



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**SATELLITE TOWNS DEVELOPMENT AGENCY (ESTABLISHMENT) BILL,
2022**

(HB 43)

A BILL
FOR

**AN ACT TO ESTABLISH THE SATELLITE TOWNS DEVELOPMENT AGENCY FOR
PROVIDING, MAINTAINING, REGULATING AND OPERATING PUBLIC
INFRASTRUCTURE, ECONOMIC AND STRATEGIC DEVELOPMENT PLANS AND
ANCILLARY PURPOSES FOR THE FEDERAL CAPITAL TERRITORY; AND FOR
RELATED MATTERS**

FIRST READING

TUESDAY 27TH SEPTEMBER, 2022

SECOND READING

WEDNESDAY 29TH NOVEMBER, 2022

THIRD READING

WEDNESDAY 29TH NOVEMBER, 2022

Satellite Towns Development Agency (Establishment) Bill, 2022



Arrangement of Clauses

Clauses

PART I - ESTABLISHMENT OF THE AGENCY, FUNCTIONS AND POWERS

1. Establishment of the Satellite Towns Development Agency
2. Functions and powers of the Agency

PART II – GOVERNING BOARD AND STAFF OF THE AGENCY

3. Governing Board of the Agency
4. Director-General and other staff of the Agency
5. Tenure, vacancies, resignation and removal of members of the Board
6. Proceedings of the Board.
7. Disclosure of interest
8. Pension

PART III – FINANCIAL PROVISIONS

9. Funding of the Agency
10. Expenditure of the Agency
11. Directives by the Minister
12. Annual estimates and audit
13. Annual reports
14. Power to accept gifts
15. Power to borrow
16. Exemption from Tax

PART IV – MISCELLANEOUS PROVISIONS

17. Regulations
18. Limitation of suits against the Agency, etc.
19. Service of documents
20. Restriction on execution against property of the Agency
21. Indemnity of Officers
22. Interpretation
23. Citation

Schedule

A BILL

FOR

AN ACT TO ESTABLISH THE SATELLITE TOWNS DEVELOPMENT AGENCY FOR PROVIDING, MAINTAINING, REGULATING AND OPERATING PUBLIC INFRASTRUCTURE, ECONOMIC AND STRATEGIC DEVELOPMENT PLANS AND ANCILLARY PURPOSES FOR THE FEDERAL CAPITAL TERRITORY; AND FOR RELATED MATTERS

HB. 43

{ }

Commencement

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

PART I - ESTABLISHMENT OF THE AGENCY, FUNCTIONS AND POWERS

1. (1) There is established in the Federal Capital Territory the Satellite Towns Development Agency (in this Bill referred to as "the Agency").

Establishment of the
Satellite Towns
Development Agency

(2) The Agency shall be a body corporate with perpetual succession, a common seal and powers to sue and be sued in its corporate name.

2. (1) Subject to and in accordance with the provisions of this Bill and notwithstanding anything to the contrary contained in any written enactment, the Agency shall be charged with the responsibility for-

Functions and
powers of the
Agency

(a) the preparation of the master plan for satellite towns and for land use and plans with respect to lands in the Federal Capital Territory designated as satellite towns;

(b) the construction, provision and procurement of public infrastructure and complementary services in the satellite towns in accordance with the master plan, land use and plans referred to in paragraph (a);

(c) the determination of standards and specifications for construction of public infrastructure within the satellite towns in the Federal Capital Territory;

(d) the development, operation and management of public infrastructure in the satellite towns in the Area Councils by way of grant of concessions, partnerships or issuance of operating licenses to private sector investors;

(e) the preparation of appropriate economic and strategic development plans for each of the satellite town of the Federal Capital Territory; and;

(f) the provision of affordable housing with complimentary infrastructure in such manner as would be determined by the Agency;

(g) the establishment, management, leasing and regulation of the operations of markets within the satellite towns;

(h) the establishment, management, leasing and regulation of the operations of public toilets within satellite towns to eliminate open defecation and the consequences on public health;

(i) the establishment, management, leasing and regulation of the operations of parks and gardens other recreational facilities within satellite towns;

(j) the establishment, management, leasing and regulation of the operations of cottage industries community vocational centers within satellite towns;

(k) the establishment, management, leasing and regulation of the operations of amusement parks and civic or community centers within satellite towns;

(l) regulating the business and operations of heavy duty trucks and machines within the satellite towns and to charge tolls for access to and use of public infrastructure

(m) evaluation, relocation and regularization of satellite towns based development activities and filling stations, Banks, eateries, markets institutions and informal sectors.

(n) ensuring proper environmental practices by coordinating and carrying out regular waste collection and disposal, sewage management, drainage management and control, inspection of residential, commercial and public buildings to ensure proper sanitary practices and enforce appropriate penalties on defaulters;

(o) regulating and controlling the usage of public infrastructure in satellite towns, roads, markets, buildings, parks, etc.

(p) enforcing compliance with planning, development and environmental laws and policies applicable in satellite towns.

(q) evaluating buildings and other structures for purposes required carrying out the Agency's enforcement functions and activities.

(r) processing and obtaining approval from the Minister and paying compensation for acquired land and structures in satellite towns.

(s) bringing on board private investment to boost the economic structure of satellite towns; and

(t) engaging in such other activities, in furtherance of the performance of the functions conferred by this Bill, as the president may, on the recommendation of the Minister, permit or assign to it by order published in the Federal Government Gazette.

(2) The Agency shall have power for the purpose of carrying out its function to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental to their proper discharge and may carry on activities in that behalf either alone or in association with any other person or body including, without prejudice to the generality of the power to-

(a) sue and be sued in its corporate name;

(b) hold, manage and dispose of real and personal property, investment and intellectual property rights;

(c) undertake public works as may be necessary for, or conducive to the discharge of its function under this Bill.

PART II – GOVERNING BOARD AND STAFF OF THE AGENCY

3. (1) There is established a Governing Board of the Agency (in this Bill referred to as “the Board”) which shall consist of –

Governing Board of the Agency

(a) a Chairman;

(b) the Director-General of the Agency;

(c) the Executive Secretary of the Federal Capital Development Authority;

(d) a Secretary of the Agency who shall be a legal practitioner and Secretary to the Board;

(e) a representative of each of the six geo-political zones; and

(f) a representative each of the six Area Councils of the Federal Capital Territory.

(2) Members of the Board shall be appointed by the President upon the recommendation of the Minister.

(3) The President may, on the recommendation of the Minister, vary the composition of the Board by order published in the Federal Government Gazette.

4. (1) There shall be appointed by the President upon the recommendation of the Minister a Director-General who shall be the executive officer of the Agency and shall be responsible for the day to day running of the affairs of the Agency.

Director-General and other staff of the Agency

(2) The Director-General shall be a person qualified for appointment by reason of professional qualification and experience and shall hold office on such terms as to emoluments and otherwise as may be specified by his instrument of appointment for a term of four years and may be eligible for appointment for a further term of four years and no more.

(3) The Agency may appoint such other persons to be officers and staff of the Agency as it may deem fit.

(4) The remuneration and tenure of the officers (other than the Director-General) and staff of the Agency shall be determined by the Agency after consultation with the Establishment Directorate of the Federal Capital Territory Administration.

5. (1) A member of the Board shall, unless his appointment is terminated by the President or he otherwise ceases to be a member, hold office for four years from the date he takes the oath of office.

Tenure, vacancies, resignation and removal of members of the Board

(2) Any member of the Board may at any time resign by giving notice in writing to the President and from the date specified in the notice or, if no date is specified, from the date of the receipt by the President of the notice, he shall cease to be a member of the Board.

(3) If any member of the Board is, without permission of the Board, absents for more than three consecutive meetings of the Board, or without such permission is absent from the country for a period exceeding one year, he shall cease to be a member of the Board.

(4) Where any of the member of the Board ceases to be a member before the expiration of his term of office, the President, after consulting the Minister, may appoint another person in his stead to hold office until such first named person's term of office would have expired had he not ceased to be a member.

(5) If the President is satisfied that a member of the Board-

(a) has become bankrupt or made arrangements with his creditors,

(b) is incapacitated by physical or mental illness,

(c) is found guilty of serious misconduct in relation to his duties as a member of the Board,

(d) has been convicted at any time by any court of law in Nigeria or elsewhere for an offence involving financial dishonesty, or

(e) is otherwise unable or unfit to discharge the functions of the member the President may declare his office as a member of the Board vacant and the office shall become vacant of the Board,.

6. (1) The Board shall establish such number of committees which in the opinion of the Board shall be required to effectively carry out its duties as set out in the Schedule of this Bill, Schedule

Proceedings of the Board.

(2) The Board may make regulations with respect to the -

(a) quorum, proceedings and meetings of the Board and the resolutions of the Board; and

(b) execution of instruments and the mode of entering into contracts by or on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board, or an officer or staff of the Agency.

(3) Subject to the provisions of any regulation made under subsection (2), the Board shall have power to regulate its own procedure.

7. (1) A member who is in any way, directly or indirectly interested in a transaction or project of the Board shall disclose the nature of the interest at the meeting of the Board.

Disclosure of interest

(2) The disclosure by a member of such interest shall be recorded in the minutes of the meeting of the Board and the members shall not take part in any deliberation of the Board with respect to the transaction or projects.

8. Service in the Agency shall be public service for the purpose of the Pension Reform Act and accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pension Reform Act. Pension
Act No. 4, 2014.

PART III – FINANCIAL PROVISIONS

9. (1) The Agency shall establish and maintain a Fund from which shall be defrayed all expenditure incurred by the Agency. Funding of the Agency

(2) There shall be paid into and credited to the Fund established under subsection (1)-

(a) any takeoff grants and special intervention funds;

(b) such sum as may be appropriated to it by the National Assembly in the national budget and the Federal Capital Territory statutory budget;

(c) such sum as may be appropriated or allocated to it annually from the internally generated revenue fund of the Federal Capital Territory Administration;

(d) any loan or grant to the Agency by the Federal Capital Territory Administration or any of the Area Councils, Federal Government, or any federal ministry, department or agency;

(e) any sum or property which may from time to time be granted or lent to or be payable or vest in the Agency by international or multilateral donor agencies, non-governmental organizations or private entities;

(f) any sum or property which may be donated to the Agency, but the Agency shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such a donation;

(g) any sum paid to the Agency by way of grants, subsidies, fees, levies, rates, subscriptions, rent, interest, and royalties;

(h) any sum derived from the sale of any property held or on behalf of the Agency;

(i) any other sum and property lawfully received by the Agency for the purposes of the Agency; and

(j) all accumulations of income derived from any such property or money.

(3) The Fund shall be managed in accordance with the rules made by the Board.

10. The Agency shall apply the funds at its disposal to-

Expenditure of the Agency

(a) the cost of establishing and maintaining the Head Office of the Agency at the Federal Capital Territory, Abuja and its offices located in other Area Councils;

- (b) pay allowances and other benefits of members of the Board and of its Committees;
- (c) the cost of compliance monitoring and enforcement activities;
- (d) pay the salaries and entitlements of the Director-General, other staff of the Agency;
- (e) pay the personnel, overhead, allowances, pensions, gratuities, benefits and other administrative costs of the Agency;
- (f) pay for attendance at local and international conferences related to its functions;
- (g) build capacity of staff of the Agency;
- (h) publicise and promote the activities of the Agency;
- (i) attend national and international scientific and professional seminars on construction and development matters;
- (j) develop and maintain any property vested in or owned by the Agency;
- (k) pay for services and contracts entered into by the Agency; and
- (l) undertake any other activity in connection with all or any of the functions of the Agency.

11. The Minister may give to the Agency directives of a general nature relating to matters of policy with regard to the performance by the Agency of its functions and it shall be the duty of the Agency to comply with such directives. Directives by the Minister

12. The Agency shall- Annual estimates and audit

(a) not later than 30th September in each financial year, submit to the Minister an estimate of the expenditure and income of the Agency during the succeeding year; and

(b) cause to be kept proper accounts and records in respect of each financial year and shall prepare a statement of accounts in relation thereto in such forms as its auditors, who shall be appointed from the list and in accordance with the guidelines furnished by the Auditor-General for the Federation, may deem fit.

13. The Agency shall prepare and submit to the President not later than 30th June in each financial year, a report in such form as the President may direct, on the activities of the Agency during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year. Annual reports

14. The Agency may accept gifts of land, money or other property, within or outside Nigeria, upon such terms and conditions, if any, as may be specified by the person or organisation making the gift provided that the terms and conditions are not contrary to the objectives and functions of the Agency under this Bill nor inimical to national interests. Power to accept gifts

15. The Agency may, subject to the approval of the Board, with the consent or general authority given by the Federal Government, borrow by way of loan, from any lawful source, money Power to borrow

required by the Agency for meeting its obligations and performing its functions under this Bill, but where the sum or the aggregate of the sums involved at any one time does not exceed ₦5,000,000.00, no such consent or authority is required.

16. All income derived by the Agency from the sources specified in this clause of this Bill and all contributions to the Fund shall be exempted from income tax. Exemption from Tax

PART IV – MISCELLANEOUS PROVISIONS

17. The Board may make regulations generally for carrying into effect the provisions of this Bill. Regulations

18. (1) A suit shall not be commenced against the Agency before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent and the notice shall clearly state the - Limitation of suits against the Agency, etc.

(a) cause of action;

(b) particulars of the claim;

(c) name of the intending plaintiff; and

(d) relief claimed.

(2) The notice to in subsection (1) and any summons, notice or other document required or authorised to be served on the Agency under the provisions of this Bill or any other enactment or law may be served by-

(a) delivering it to the office of the Director-General; or

(b) sending it by registered post addressed to the Director- General at the head office of the Agency.

(3) Notwithstanding anything contained in any other written enactment, no suit against the Agency, any member of the Board or any officer or employee of the Agency for any act done in pursuance or execution of this Bill or any written enactment or law of any public duty or authority in respect of any alleged neglect or default in pursuance or execution of this Bill, any such written enactment, law, public duty or authority shall lie or be instituted in any court unless it commenced-

(a) within three months next after the act, neglect or default complained of; or

(b) in the case of a continuance of damage or injury within three month next after the ceasing thereof.

19. A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Bill or any other enactment or law may be served by delivering it to the Director-General or at the principal office of the Agency. Service of documents

20. (1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency unless at least 30 days notice of the intention to execute or attach has been given to the Agency.

Restriction on execution against property of the Agency

(2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to any direction given by the court where notice of appeal against the judgment has been given, be paid from the Fund of the Agency.

21. A member of the Board or the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability that is brought against him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency.

Indemnity of Officers

22. In this Bill-

Interpretation

“Agency” means the Satellite Towns Development Agency established by section 1 of this Bill;

“Area Councils” means Kuje, Gwagwalada, Bwari, Abuja Municipal, Abaji, and Kwali;

“Board” means the Governing Board of the Agency;

“Chairman” means the Chairman of the Board;

“Constitution” means Constitution of the Federal Republic of Nigeria, 1999 as amended;

“Director-General” means the Director-General appointed for the Agency in section 4 of this Bill;

“Financial year” in relation to the Agency, means period of 12 months beginning from 1 January in any year;

“function” includes powers, rights responsibilities and duties;

“Gazette” means the Official Gazette of the Federation of Nigeria;

“member of the Board” includes the Chairman;

“Minister” means the minister charged by the President with responsibility for matters relating to the affairs of the satellite towns and Area Councils;

“President” means the President of the Federal Republic of Nigeria;

“satellite towns” include -

(a) Kusaki Yanga;

(b) Kuje;

(c) Rubochi;

(d) Abuja South West;

Kuje Area Council

(e) Anagada;

(f) Dobi;

(g) Gwagwalada;

(h) Zuba;

(i) Dei Dei;

Gwagwalada Area Council

(j) Abaji Area Council;

(k) Kwali Area Council;

(l) Kubwa;

(m) Bwari;

Bwari Area Council

(n) Karshi;

(o) Gousa;

Abuja Municipal Area Council

(p) Abuja North West;

(q) Karu;

(r) Nyanya; and

(s) any other part of the Federal Capital Territory which the Minister may by regulation designate as satellite town.

“suit” includes action and means a civil proceeding commenced by writ or in such other manner as may be provided for by rules of court, and does not include a criminal proceeding;

23. This Bill may be cited as the Satellite Towns Development Agency (Establishment) Bill, 2022.

Citation

SCHEDULE

Section 6 (1)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

PROCEEDINGS OF THE BOARD

Cap. 123, LFN, 2004

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing order regulating its proceedings or those of any of its committees.

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

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

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

COMMITTEES

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

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

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

MISCELLANEOUS

4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose and the Managing Director.

(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Board or a committee shall not be adversely affected by-

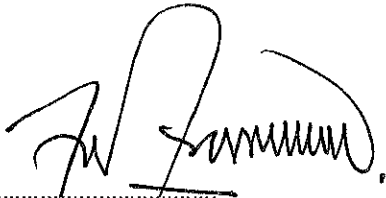
(a) a vacancy in the membership of the Board or committee;

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


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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Satellite Towns Development Agency for providing, maintaining, regulating and operating public infrastructure, economic and strategic development plans and ancillary purposes for the Federal Capital Territory.



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



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