

**A BILL****FOR**

AN ACT TO ESTABLISH THE SOUTH SOUTH DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY TO RECEIVE AND MANAGE FUNDS FROM THE FEDERATION ACCOUNT ALLOCATION AND OTHER SOURCES, DONATIONS, GRANTS, AIDS FOR THE INTEGRATION, DEVELOPMENT, RESOLUTION OF INFRASTRUCTURAL DEFICIT, MILITANCY, COMMUNAL CRISES AS WELL AS TACKLE ECOLOGICAL, ENVIRONMENTAL AND FOR RELATED MATTERS

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ENACTED by the National Assembly of the Federal Republic of

Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE SOUTH SOUTH DEVELOPMENT

2 COMMISSION AND THE GOVERNING BOARD

3 1.-(1) There is established a Commission to be known as South

4 South Development Commission. (in this Bill referred to as "the

Commencement

Establishment of  
the South South  
Development  
Commission

1 Commission").

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

Establishment  
of the Governing  
Board

4 2.-(1) There is established for the Commission, a body to be known as  
5 the Governing Board (in this Bill referred to as 'the Board') which shall  
6 consist of-

7 (a) Chairman;

8 (b) One person who shall be an indigene to represent the following  
9 member States, that is-

10 (1) Akwa Ibom;

11 (2) Bayelsa;

12 (3) Cross River;

13 (4) Delta;

14 (5) Edo; and

15 (6) Rivers.

16 (c) Three persons to represent the following Security Organizations-

17 (i) The Army who shall not be below the rank of a Colonel;

18 (ii) The Police who shall not be below the rank of Superintendent of  
19 Police; and

20 (iii) The Civil Defence Corp who shall not be below the rank of  
21 Deputy Commandant.

22 (d) One representative of Solid Minerals extracting and Mining  
23 producing Companies in the South South States nominated by those  
24 companies;

25 (e) One person to represent the Federal Ministry of Finance;

26 (f) One person to represent the Federal Ministry of Environment;

27 (g) The Managing Director of the Commission; and

28 (h) Two executive Directors.

29 (2) The Chairman and other members of the Board Shall-

30 (a) be appointed by the President, subject to the confirmation of the

1 Senate; in consultation with the House of Representatives; and

2 (b) must be persons of proven integrity and ability.

3 (3) The members of the Board referred to in Section 2(1)(c-f) of  
4 this Bill shall be part-time members.

5 (4) The supplementary provisions set out in the Schedule to this  
6 Bill shall have effect with respect to the proceedings of the Board and the  
7 other matters contained therein.

8 3. Subject to the provisions of clause 4 of this Bill, a member of the  
9 Board, other than an ex-officio member, shall hold office for a term of 4  
10 years at the first instance and may be re-appointed for a further term of 4  
11 years and no more.

Tenure of office

12 4. The office of the Chairman shall rotate among the member  
13 states of the Commission in the following alphabetical order-

Rotation of office  
of Chairman

14 (i) Akwa Ibom;

15 (ii) Bayelsa;

16 (iii) Cross River;

17 (iv) Delta;

18 (v) Edo; and

19 (vi) Rivers.

20 5.-(1) A member of the Board other than ex-officio member, may  
21 resign his or her appointment by notice in writing addressed to the President.  
22 Which resignation shall take effect only upon receipt and approval by the  
23 President

Resignation,  
cessation or  
removal from  
membership of  
the Board

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

25 (a) becomes of unsound mind, or incapable of carrying out his  
26 duties;

27 (b) becomes bankrupt, suspends payment or compounds with his  
28 creditors;

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

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

2 (e) in the case of a person possessed of professional qualifications, he  
3 is disqualified or suspended, other than at his own request, from practicing his  
4 profession in any part of the world by an order of a competent authority made in  
5 respect of that member; or

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

7 (3) Where a vacancy occurs in the membership of the Board, it shall  
8 be filled by appointment of a person representing the area where the vacancy  
9 exists, to complete the remainder of the term of office of the predecessor and  
10 shall be appointed by the President subject to the confirmation of the Senate in  
11 consultation with the House of Representatives.

Allowances of  
members

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

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

Functions and  
Powers of the  
Commission

16 7.-(1) The Commission shall have powers to-

17 (a) Formulate policies and guidelines for the development of the  
18 South South States;

19 (b) Conceive, plan and implement, in accordance with the set rules  
20 and regulations, projects and programmes for sustainable development of the  
21 South South States in the field of transportation including roads, health,  
22 education, employment, agriculture, industrialization, housing and urban  
23 development, water supply, electricity and telecommunications;

24 (c) Cause the South South States to be surveyed in order to ascertain  
25 measures which are necessary to promote its physical and socio-economic  
26 development;

27 (d) Prepare master plans and schemes designed to promote the  
28 physical development of the South South States and the estimates of the costs  
29 of implementing such master plans and schemes;

30 (e) Implement all the measures approved for the development of the

1 South South States by the federal Government and the member States of the  
2 Commission;

3 (f) Identify factors inhibiting the development of the South South  
4 States and assist the member States in the formulation and implementation  
5 of policies to ensure sound and efficient management of the resources of the  
6 South South States;

7 (g) Assess and report on any project being funded or carried out in  
8 the South South States by mineral extracting and mining companies, oil and  
9 gas producing companies, and any other company including non-  
10 governmental organizations and ensure that funds released for such projects  
11 are properly utilized;

12 (h) Tackle ecological and environmental problems that arise from  
13 the extraction and mining of solid minerals, exploration of oil mineral in the  
14 South South States and advise the Federal Government and the member  
15 States on the prevention and control of oil spillages, gas flaring and  
16 environmental pollution;

17 (i) Liaise with the various solid mineral extraction and mining  
18 companies and oil and gas prospecting and producing companies on all  
19 matters of pollution prevention and control; and

20 (j) Execute such other works and perform such other functions  
21 which in the opinion of the Commission are required for the sustainable  
22 development of the South South States and its peoples.

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

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

29 **8.** The Board shall have power to:

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

1 (b) Makes rules and regulations for carrying out the functions of the  
2 Commission;

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

5 (d) Pay the staff of the Commission such remuneration and  
6 allowances as are payable to persons of equivalent grades in the civil service of  
7 the Federation;

8 (e) Enter into such contracts as may be necessary or expedient for the  
9 discharge of its functions and ensure the efficient performance of the functions  
10 of the Commission;

11 (f) Employ either directly or on secondment from any civil or public  
12 service in the Federation or a State such number of employees as may be in the  
13 opinion of the Board, be required to assist the Board in the discharge of any of  
14 its functions under this Bill;

15 (g) Pay to persons so employed such remuneration, including  
16 allowances, as the Board may determine; and

17 (h) Do such other things as are necessary and expedient for the  
18 efficient performance of the functions of the Commission.

19 PART III - STRUCTURE OF THE COMMISSION

Structure of the  
Commission

20 9.-(1) There shall be established in the head office of the Commission,  
21 the following Directorates;

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

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

24 (c) the Directorate of Utilities, Infrastructural Development and  
25 Waterways;

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

27 (e) the Directorate of Finance and Supply;

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

29 (g) the Directorate of Planning, Research and Statistics and  
30 Management Information System

- 1 (h) the Directorate of Legal Services;
- 2 (i) the Directorate of Education, Health and Social Services;
- 3 (j) the Directorate of Commercial and Industrial Development; and
- 4 (k) the Directorate of Projects Monitoring and Supervision.

5 (2) The Board may increase the number of Directorates as it may  
6 deem necessary and expedient to facilitate the realization of the objectives  
7 of the Commission.

8 **10.** There shall be for the Commission, a Management Committee Management  
Committee  
9 which shall-

- 10 (a) consist of a Chairman who shall be the Managing Director;
- 11 (b) the Directors responsible for the Directorates established under  
12 clause 9 of this Bill and such number of other members as may be  
13 determined from time to time by the Board;
- 14 (c) be responsible to the Board and the Managing Director for the  
15 general administration of the Commission.

16 **11.**-(1) There is hereby established for the Commission, A South Establishment  
of the South  
South Development  
Advisory Committee  
17 South Development Advisory Committee (in this Bill referred to as the  
18 Advisory Committee) which shall consist of-

- 19 (a) the Governors of the member States of the Commission; and
- 20 (b) two persons as may be determined from time to time, by the  
21 President of the Federal Republic of Nigeria who shall be indigenes of the  
22 member states.

23 (2) The Advisory Committee shall be charged with the  
24 responsibility of advising the Board and guiding and monitoring the  
25 activities of the Commission with a view to achieving the objectives of the  
26 Commission.

27 (3) The Advisory Committee may make rules regulating its own  
28 proceedings.

29 **PART IV - STAFF OF THE COMMISSION**

30 **12.**-(1) There shall be for the Commission, a Managing Director Executive  
Secretary of the  
Commission

1 and two Executive Directors who shall be indigenes of the South South States  
2 and shall rotate amongst the member States in alphabetical order and shall-

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

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

6 (c) be appointed by the President of the Federal Republic of Nigeria  
7 and confirmed by the Senate in consultation with the House of  
8 Representatives;

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

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

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

15 (b) for keeping the books and proper records of the proceedings of the  
16 Board; and

17 (c) For-

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

19 (ii) the general direction and control of all other employees of the  
20 Commission.

21 (3) The Board shall have power to-

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

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

29 13.-(1) Service in the Commission shall be approved service for the  
30 purposes of the Pensions Act.



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

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

8 (4) for the purposes of the application of the provisions of the  
9 Pensions Act, any power exercisable there under by the Minister or other  
10 authority of the Government of the Federation, other than the power to make  
11 regulations under section 13(1) thereof, is hereby vested in and shall be  
12 exercisable by the Commission, and not by any other person or authority.

13 PART V - FINANCIAL PROVISIONS

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

Fund of the  
Commission

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

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

21 (b) 3 per cent of the total annual budget of any oil producing  
22 company operating, on shore and off shore, in the South South States;  
23 including gas processing companies;

24 (c) 3 per cent of the total annual budget of any Solid mineral  
25 extracting mining company operating in the South South States;

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

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

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

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

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

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

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

Expenditure of  
the Commission

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

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

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

19 (c) the payment for all contracts, including mobilization, fluctuations,  
20 variations, legal fees and cost of contract administration;

21 (d) the payment for all purchases; and

22 (e) undertaking such other activities as are connected with all or any  
23 of the functions of the Commission under this Bill.

Gift to the  
Commission

24 **16.-(1)** The Commission may accept gifts of land, money or other  
25 property on such terms and conditions, if any, as may be specified by the person  
26 or organization making the gift.

27 (2) The Commission shall not accept any gift if the condition attached  
28 by the person or organization making the gift are inconsistent with the  
29 functions of the Commission under this Bill.

1           17. The Commission may, with the consent of the President of the  
2 Federal Republic of Nigeria, borrow, on such terms and conditions as the  
3 Commission may determine, such sums of money as the Commission may  
4 require in the exercise of its functions under this Bill. Power to borrow

5           18.-(1) The Board shall, not later than 30th September in each year  
6 submit to the President of the Federal Republic of Nigeria, an estimate of the  
7 expenditure and income of the Commission during the next succeeding year. Annual Estimates  
and Expenditure

8           (2) The Board shall cause to be kept proper accounts of the  
9 Commission in respect of each year and proper records in relation thereto  
10 and shall cause the accounts to be audited not later than 6 months after the  
11 end of each year by auditors appointed from the list and in accordance with  
12 the guidelines supplied by the Auditor-General for the Federation.

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

16           20.-(1) The Board shall prepare and submit to the President of the  
17 Federal Republic of Nigeria, not later than 30th June in each year, a report in  
18 such form as the President of the Federal Republic of Nigeria, may direct on  
19 the activities of the Commission during the immediate preceding year, and  
20 shall include in the report a copy of the audited accounts of the Commission  
21 for that year and the auditor's report thereon; Annual Report

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

#### 26           PART VI - MISCELLANEOUS

27           21.-(1) There is hereby established for the Commission a  
28 Monitoring Committee which shall consist of such number of persons as the  
29 President of the Federal Republic of Nigeria, may deem fit to appoint from  
30 the public or civil service of the Federation. Monitoring  
Committee

1 (2) The Monitoring Committee shall-

2 (a) monitor the management of the funds of the Commission and the  
3 implementation of the projects of the Commission; and

4 (b) have access to the books of account and other records of the  
5 Commission at all times, and submit periodical reports to the President of the  
6 Federal Republic of Nigeria.

Office and  
Premises of  
the Commission

7 **22.**-(1) For the purposes of providing offices and premises necessary  
8 for the performance of its functions under this Bill, the Commission may,  
9 subject to the Land Use Act-

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

11 and

12 (b) construct offices and premises and equip and maintain same.

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

Directives by  
the President

16 **23.** Subject to the provisions of this Bill, the President of the Federal  
17 Republic of Nigeria, may give to the Commission directives of a general nature  
18 or relating generally to matters of policy with regard to the performance by the  
19 Commission of its functions and it shall be the duty of the Commission to  
20 comply with the directives.

Public Officer  
Protection Act,  
Cap. P41 LFN,  
2004

21 **24.**-(1) Subject to the provision of the Bill, the provisions of the  
22 Public Officers Protection Act shall apply in relation to any suit instituted  
23 against any officer or employee of the Commission.

24 (2) Notwithstanding anything contained in any other law or  
25 enactment, no suit shall lie against any member of the Board, the Managing  
26 Director or any other officer or employee of the Commission for any act done  
27 in pursuance or execution of this Bill or any other law or enactment, or of any  
28 public duty or authority or in respect of any alleged neglect or default in the  
29 execution of this Bill or such law or enactment, duty or authority, shall lie or be  
instituted in any court unless-

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

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

5 25. A notice, summons or other document required or authorized  
6 to be served upon the Commission under the provisions of this Bill or any  
7 other law or enactment may be served by delivering it to the Managing  
8 Director or by sending it by registered post and addressed to the Managing  
9 Director at the principal office of the Commission.

Service of Notice,  
Summons and  
other Documents

10 26.-(1) In any action or suit against the Commission, no execution  
11 or attached of process in the nature thereof shall be issued against the  
12 Commission.

Restriction on  
executive of  
judgment debts

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

17 27. A member of the Board, the Managing Director, any other  
18 officer or employee of the Commission shall be indemnified out of the assets  
19 of the Commission against any proceeding, whether civil or criminal, in  
20 which judgment is given in his favor, or in which he is acquitted, if any such  
21 proceeding is brought against him in his capacity as a member of the Board,  
22 the Managing Director, officer or employee of the Commission.

Indemnity of  
officers

23 28. The Commission may, with the approval of the President of the  
24 Federal Republic of Nigeria, make regulations, generally for the purposes of  
25 giving full effect to this Bill.

Regulations

26 29. In this Bill-

27 "Chairman" means the Chairman of the Board;

Interpretation

28 "Commission" means the South South Development Commission  
29 established by clause 1 of this Bill;

30 "Board" means the government Board established for the Commission

1 under clause 2 (1) of this Bill;

2 "Member" means a member of the Board and includes the Chairman,  
3 Managing Director and Executive Directors;

4 "Member States" include Akwa Ibom, Bayelsa, Cross River, Delta, Edo, and  
5 Rivers.

Short title

6 30. This Bill may be cited as the South South Development  
7 Commission (Establishment, etc.) Bill 2019.

#### 8 SCHEDULES

#### 9 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

10 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the  
11 Board may make standing orders regulating its proceedings or those of any of  
12 its committee.

13 (2) The quorum of the Board shall be the Chairman or the person  
14 presiding at the meeting, Managing Director or one Executive Director and one  
15 third other members of the Board. The quorum of any committee of the  
16 Commission shall be determined by the Board.

17 2.-(1) The Board shall meet whenever it is summoned by the  
18 Chairman and if the Chairman is required to do so by notice given to him by not  
19 less than 4 other members, he shall summon a meeting of the Board to be held  
20 within 14 days from the date on which the notice is given.

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

24 3.-(1) The Board may appoint one or more committees to carry out on  
25 behalf of the Board, such functions as the Board may determine.

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

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

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

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

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

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

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

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

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish the South South 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 South South States.







