

NORTH WEST DEVELOPMENT COMMISSION BILL, 2020

ARRANGEMENT OF CLAUSES

Clauses:

PART I - ESTABLISHMENT OF NORTH WEST

DEVELOPMENT COMMISSION

1. Establishment of North West Development Commission
2. Establishment of the Commission Board
3. Tenure of office
4. Rotation of office of Chairman
5. Resignation, cessation or removal from membership of the Board.
6. Remunerations and Allowances

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

7. Functions and Powers of the Commission.
8. Powers of the Commission
9. Structure of the Commission

PART III - STRUCTURE OF THE COMMISSION

10. Management Committee
11. Advisory Committee of the Commission

PART IV - STAFF OF THE COMMISSION

12. Staff of the Commission
13. Pension Reform Act No 2 2004.

PART V - FINANCIAL PROVISIONS

14. Funds of the Commission
15. Application of the Commission funds
16. Annual Estimate and Expenditure
17. Submission of Report

PART VI - MISCELLANEOUS

18. Monitoring Committee
19. Offices and premises of the Commission
20. President Directives

21. Public Officer Protection Act,
22. Services of Notice, Summons and other Documents.
23. Payment of Judgment debts
24. Indemnity of Staff
25. Regulations
26. Interpretation
27. Citation

A BILL FOR

AN ACT TO ESTABLISH NORTH-WEST DEVELOPMENT COMMISSION CHARGE WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT AND INTERNATIONAL DONOR FOR THE SETTLEMENT, REHABILITATION AND RECONSTRUCTION OF ROADS, HOUSES AND BUSINESS PREMISES DESTROYED BY MULTI-DIMENSIONAL CRISIS AS WELL AS TACKLING MENACE OF POVERTY, LITERACY LEVEL, ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENT CHALLENGE IN THE NORTH WEST STATE AND FOR OTHER RELATED MATTERS

Sponsors:

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Hon. Musa Sarkin Adar

Co-Sponsors:

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Hon. Ahmed Usman Liman	Hon. Basher Isah
Hon. Umar Abdullahi Kamba	Hon. Muhammed Yakubu Bello
Hon. Mohammed Shehu	Hon. Yusu Tanko Sununu
Hon. Kabiru Yahaya	Hon. Ahmed Muhammed Bakur A
Hon. Shehu Ahmed	Hon. Sulaiman Abubakar Gumi
Hon. Kabiru Arnadu	Hon. Umar Sani Dan-Galadima
Hon. Bello Hassan Shikafi	Hon. Jiba Yohanna Micah
Hon. Hassan Sokodabo Usman	

[] Commencement

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

	1	PART 1- ESTABLISHMENT OF NORTH WEST DEVELOPMENT COMMISSION
Establishment of the North West Development Commission	2	1.-(1) there is established a commission to be known as North West
	3	Development Commission (in this Bill referred to as "the commission).
	4	
	5	(2) The commission shall be a body corporate with perpetual
Establishment of the Commission Board	6	succession and a common seal and may sue or be sued in its corporate name.
	7	2.-(1) there is established for the Commission, a body to be known as
	8	the Commission governing board (in this bill referred to as "the board").
	9	
	10	(2) The Board shall consist of-
	11	(a) Chairman;
	12	(b) One person each who each shall be an indigene to represent the
	13	State listed below-
	14	(i) Jigawa;
	15	(ii) Kaduna;
	16	(iii) Kano;
	17	(iv) Katsina;
	18	(v) Kebbi;
	19	(vi) Sokoto;
	20	(vii) Zamfara.
	21	(c) Three person to represent the following Security Organisations-
	22	(i) the Army who shall not be below the rank of a Colonel;
	23	(ii) the Police who shall not be below the rank of Superintendent of
	24	Police;
	25	(iii) the Civil Defence Corp who shall not be below the rank of Deputy
	26	Commandant.
	27	(d) One representative of Solid Minerals extracting and Mining
	28	producing companies in the North West States nominated by those companies;
	29	(e) one person not below the rank of a Director to represent the-
	30	(i) Federal Ministry of Finance;

- 1 (ii) Federal Ministry of Education;
- 2 (iii) Federal Ministry of Environment; and
- 3 (f) the Managing Director of the Commission.
- 4 (3) The Chairman and other members-of the Board shall-
- 5 (a) be appointed by the President, subject to confirmation by the
- 6 Senate, in consultation with the House of Representatives; and
- 7 (b) be person of proven integrity and ability.
- 8 (4) The members of the Board referred to in paragraph (a - d) of
- 9 sub- clause (2) of this Clause shall be part-time members.
- 10 (5) The supplementary provisions set out in the Schedule to this
- 11 Bill shall have effect with respect to the proceedings of the Board and the Tenures of office
- 12 other matters contained therein.
- 13 **3.** Subject to the provisions of Clause 4 of this Bill, a member of
- 14 the Board, other than an ex-officio member, shall hold office for a term of 4
- 15 years at the first instance and may be re-appointed for a further term of 4 Rotation of office
- 16 years and no more of Chairman
- 17 **4.** The office of the Chairman established in Clause 2(2) shall
- 18 rotate amongst the member states of the Commission in an alphabetical Resignation,
- 19 order. cessation or
- 20 **5.-(1)** A member of the Board mentioned under Clause 2 (2) (a) and removal from
- 21 (b) may resign his appointment by notice in writing addressed to the membership of
- 22 President. the Board
- 23 (2) A member of the Board may cease membership if the member-
- 24 (a) becomes of unsound mind;
- 25 (b) becomes bankrupt;
- 26 (c) is convicted of a felony or of any offence involving dishonesty;
- 27 and
- 28 (d) is guilty of serious misconduct in relation to the office.
- 29 (3) A member of the Board other than ex-officio member may
- 30 resign his or her appointment by notice, in writing to the President which

1 resignation shall take effect upon receipt and approval by the President.

Remunerations
and Allowances

2 (4) Where vacancy exists in the membership of the Board, the
3 vacancy shall be filled by appointment of a person representing the area where
4 the vacancy exists, to complete the remainder of the term of office of the
5 predecessor.

Functions and
Powers of the
Commission

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

9 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

10 7.-(1) The Commission shall-

11 (a) formulate policies and guidelines for the development of the
12 Northern West States;

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

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

21 (d) prepare master plans and schemes designed to promote the
22 physical development of the North West States and the estimates of the costs of
23 implementing such master plans and schemes;

24 (e) implement all the measures approved for the development of the
25 North West States by the Federal Government and the member States of the
26 Commission;

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

1 (g) assess and report on any project being funded or carried out in
2 the North West States by Solid mineral extracting and mining companies,
3 agricultural processing and any other company including Non -
4 governmental organizations and ensure that funds released for such projects
5 are properly utilised;

6 (h) tackle ecological and environmental problems that arise from
7 the extraction and mining of solid mineral in the North West States and
8 advise the Federal Government and the member States on the prevention
9 and control of water and environmental pollution;

10 (i) liaise with the various Solid mineral extraction and mining
11 companies on all 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 West States and its peoples.

15 (2) In excising 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 the Federal Republic of Nigeria.

Powers of the
Commission

21 **8.** The Board shall have power to-

22 (a) manage and supervise 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 appropriate;

29 (e) enter into such contracts as may be necessary or expedient for
30 the discharge of its functions and ensure the efficient performance of the

1 functions of the Commission;

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

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

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

Structure of the
Commission

10 PART III - STRUCTURE OF THE COMMISSION

11 **9.**-(1) There shall be established in the head office of the Commission
12 the following Departments-

13 (a) Administration and Human Resources;

14 (b) Planning, Research, Statistics and Management Information
15 System;

16 (c) Community and Rural Development;

17 (d) Environmental Protection and Control, Utilities Infrastructural
18 Development;

19 (e) Finance and Supply; and

20 (f) Legal Services.

21 (2) There shall be following Units which shall be under relevant
22 department:

23 (a) Solid Minerals and Agriculture;

24 (b) Education, Health and Social Services;

25 (c) Commercial and Industrial Development; and

26 (d) Projects Monitoring and Supervision.

27 (3) The Board may increase the number of Department and Unit as it
28 may deem necessary and expedient to facilitate the realisation of the objectives
29 of the Commission.

Management
Committee

30 **10.**-(1) There shall be for the Commission a Management Committee

1 which shall consist of-

2 (a) a Managing Director; and

3 (b) the Directors responsible for the Department established under
4 Clause 9 of this Bill and such number of other members as may be
5 determined from time to time by the Board.

6 (2) The Management Committee shall be responsible to the Board
7 for the general administration of the Commission.

Advisory
Committee of the
Commission

8 **11.**-(1) There is established for the Commission a North West
9 Development Advisory Committee (in this Act referred to as "the Advisory
10 Committee") which shall consist of-

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

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

14 (2) The Advisory Committee shall be charged with the
15 responsibility of advising the Board and monitoring the activities of the
16 Commission, with a view to achieving the objective of the Commission.

17 (3) The Advisory Committee may make rules regulating its own
18 affairs.

Staff of the
Commission

19 PART IV - STAFF OF THE COMMISSION

20 **12.**-(1) There shall be for the Commission, a Managing Director
21 who shall be indigenes of North West State and shall rotate amongst member
22 states in alphabetical order, and who shall:

23 (a) have such qualification and experience as are appropriate for a
24 person required to perform the functions of the offices under this Bill; and

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

27 (c) be appointed by the President of the Federal Republic of
28 Nigeria and confirmed by the Senate in consultation with House of
29 Representatives;

30 (d) hold office on such terms and conditions as to emolument,

1 conditions of service as may be specified in his letter of appointment and
2 subject to the provision of Clause 3 of this Bill.

3 (2) The Managing Director shall, subject to the general direction of
4 the Board, be responsible-

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

6 (b) for keeping the books and Proper records of the proceedings of the
7 Board, and

8 (c) for the-

9 (i) administration of the secretariat of the Board, and

Pension Reform
Act, No. 2 of
2004

10 (ii) general direction and control of all other employees of the
11 Commission

12 **13.**-(1) Service in the Commission shall be approved service for the
13 purposes of the Pensions Reform Act.

14 (2) Nothing in sub- clause (1) of this Clause shall prevent the
15 appointment of a person to any office on terms which preclude the grant of
16 pension and gratuity in respect of that office.

17 (3) For the purposes of the application of the provisions of the
18 Pensions Act, any power exercisable there under by the Minister or other
19 authority of the Government of the Federation, other than the power to make
20 regulations under Clause 23 thereof is vested in and shall be exercisable by the
21 Commission, and not by any other person or authority.

Funds of the
Commission

22 **PART V - FINANCIAL PROVISIONS**

23 **14.**-(1) The Commission shall establish and maintain a fund from
24 which shall be defrayed all expenditure incurred by the Commission.

25 (2) There shall be paid and credited to the fund established pursuant to
26 sub-clause (1) of this Clause-

27 (a) from the Federal Government, the equivalent of 15 percent of the
28 total monthly statutory allocations due to member States of the Commission
29 from the Federation Account; this being the contribution of the Federal
30 Government to the Commission;

1 (b) 3 percent of the total annual budget of any Solid mineral
2 extracting mining company operating in the North West States, including
3 Agricultural processing companies;

4 (c) 50 percent of monies due to member States of the Commission
5 from the Ecological Fund;

6 (d) such monies as may from time to time, be granted or lent to or
7 deposited with the Commission by the Federal or a State Government, any
8 other body or institution whether local or foreign;

9 (e) all moneys raised for the purposes of the Commission by way of
10 gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

11 (f) proceeds from all other assets that may, from time to time,
12 accrue to the Commission.

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

16 (a) specifying the manner in which the assets or the fund of the
17 Commission are to be held, and regulating the making of payments' into and
18 out of the fund; and

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

Application of
the Commission
Funds

21 **15.-(1)** The Commission shall apply the proceeds of the fund
22 established pursuant to Clause 14 of this Bill to-

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

24 (b) the payment of salaries, fees, remuneration, allowances,
25 pensions and gratuities payable to the members of the Board specified in
26 Clause 6 of this Bill or any committee of the Board and the employees of the
27 Commission;

28 (c) the payment for all contracts, including mobilisation,
29 fluctuations, variations, legal fees and cost on contract administration;

30 (d) the payment for all purchases; and

1 (e) undertaking such other activities as are connected with all or any
2 of the Functions of the Commission under this Act.

3 (2) The Commission may accept gifts of land, money, or other
4 property on such terms and conditions, if any, as may be specified by the person
5 or organisation making the gift.

6 (3) The Commission shall not accept any gift if the conditions
7 attached by the person or organisation making the gift are inconsistent with, the
8 functions of the Commission under this Bill

9 (4) The Commission may, with the consent of the President of the
10 Federal Republic of Nigeria, borrow, on such terms and conditions as the
11 Commission may determine, such sums of money as the Commission may
12 require in the exercise of its functions under this
13 Bill.

Annual Estimates
and Expenditure

14 **16.**-(1) The Board shall, not later than 30th September in each year,
15 submit to the National Assembly through the President of the Federal Republic
16 of Nigeria an estimate of the expenditure and income of the Commission
17 during the next succeeding year for approval.

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

Submission of
Report

23 **17.**-(1) The Commission shall, at the end of every quarter in each
24 year, submit to the President of the Federal Republic of Nigeria report on the
25 activities and administration of the Commission.

26 (2) The Board shall prepare and submit to the President of the Federal
27 Republic of Nigeria, not later than 30th June in each year, a report in such form
28 as the President of the Federal Republic of Nigeria may direct on the activities
29 of the Commission during the immediately preceding year, and shall include in
30 the report a copy of the audited accounts of the Commission for that year and

1 the auditor's report thereon.

2 (3) The President of the Federal Republic of Nigeria shall, upon
3 receipt of the report referred to in sub-clause (1) of this Clause, cause a copy
4 of the report and the audited accounts of the Commission and the auditor's
5 report thereon to be submitted to each House of the National Assembly.

Monitoring
Committee

6 PART VI - MISCELLANEOUS

7 **18.**-(1) There is established for the' Commission a Monitoring
8 Committee which shall consist of such number of persons as the President of
9 Federal Republic of Nigeria may deem fit to appoint from the public or Civil
10 Service of the Federation.

11 (2) The Monitoring Committee shall-

12 (a) monitor the management of the funds of the Commission and
13 the implementation of the projects of the Commission; and

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

Offices and
premises of the
Commission

17 **19.**-(1) For the purposes of providing offices and premises
18 necessary for the performance of its functions under this Bill, the
19 Commission may, subject to the Land Use Act-

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

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

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

President Directives

26 **20.** Subject to the provisions of this Bill, the President of the
27 Federal Republic of Nigeria, may give to the Commission directives of a
28 general nature or relating generally to matters of Policy with regard t o
29 the performance by the Commission of its functions and it shall be the duty
30 of the Commission to comply with the directives.

Public Officer
Protection Act,
Cap. P4 LFN,
2004

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

4 (2) Notwithstanding anything contained in any other law or
5 enactment, no suit shall lie against any member of the Board, the Managing
6 Director or any other officer or employee of the Commission for any act done
7 in pursuance or execution of this Bill or any other law or enactment, or of any
8 public duty or authority or in respect of any alleged neglect or default in the
9 execution of this Bill or such law or enactment, duty or authority, shall lie or be
10 instituted in any court unless-

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

Services of Notice,
Summons and
other Documents

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

15 **22.** A notice, summons or other document required or authorised to be
16 served upon the Commission under the provisions of this Bill or any other law
17 or enactment may be served by delivering it to the Managing Director or by
18 sending it by registered post and addressed to the Managing Director at the
19 principal office of the Commission.

Payment of
Judgment Debts

20 **23.**-(1) In any action or suit against the Commission, no execution
21 or attachment of process in the nature thereof shall be issued against the
22 Commission.

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

Indemnity of
Staff

27 **24.** A member of the Board, the Managing Director, any officer or
28 employee of the Commission shall be indemnified out of the assets of the
29 Commission against any proceeding, whether civil or criminal, in which
30 judgment is given in his favour or in which he is acquitted, if any such

1 proceeding is brought against him in his capacity as a member of the Board, Regulations
2 the Managing Director, officer or employee of the Commission.

3 **25.** The Commission may, with the approval of the President of the
4 Federal Republic of Nigeria, make regulations, generally for the purposes of Interpretation
5 giving full effect to this Bill.

6 **26.** In this Bill-
7 "Chairman" means the Chairman of the Board;
8 "Commission" means the North West Development Commission
9 established by Clause 1 of this Bill;

10 "Board" means the governing Board established for the Commission under
11 Clause 2 (1) of this Act;

12 "Management Committee" includes the Chairman, Managing Director,
13 Executive Directors and Directors;

14 "Member States" include Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto Citation
15 and Zamfara.

16 **27.** This Bill may be cited as the North West Development
17 Commission Bill, 2020.

18 SCHEDULES

19 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

20 1.-(1). Subject to the provisions of this Bill and section 27 of the
21 Interpretation Act, the Board may make standing orders regulating its
22 proceedings or those of any of its committees.

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

27 2.-(1) The Board shall meet whenever it is summoned by the
28 Chairman and if the Chairman is required to do so by notice given to him by
29 not less than 4 other members, he shall summon a meeting of the Board to be
30 held within 14 days from the date on which the Notice is given.

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

4 3.-(1) The Board may appoint one or more committees to carry out, on
5 behalf of the Board such functions as the Board may determine.

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

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

11 4.-(1) The fixing of the seal of the Commission shall be authenticated
12 by the signatures of the Chairman or any other member of the Board generally
13 or specifically authorized by the Board to act for that purpose and the
14 Managing Director.

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

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

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

21 (b) a defect in the appointment of a member of the Board or
22 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 North West Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account and International Donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises destroyed by multi-dimensional crisis as well as tackling menace of