

NATIONAL COMMUNITY SERVICE SCHEME BILL, 2020

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SERVICE SCHEME

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF NATIONAL
COMMUNITY SERVICE SCHEME AND TO DEVELOP AN INCREASED SENSE OF
SOCIAL RESPONSIBILITY AND A GLOBAL VIEW OF SOCIETY AND A HEART
FOR 'GIVING BACK' AND HELPING OTHERS AND FOR RELATED MATTERS

Sponsored by Hon. Unyime Josiah Idem

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

- 1 1.-(1) There is hereby established a Scheme to be known as the Establishment
2 National Community Service Scheme (in this Bill referred to as "the of the National
3 Scheme") for the purpose of providing. Community
4 (2) The Scheme: Service Scheme
- 5 (a) shall be a body corporate with perpetual succession and a
6 common seal and is saddled with the responsibility of the administration of
7 identifying and allocation of community services to the misdemeanour
8 offenders;
- 9 (b) may sue and be sued in its corporate name;
- 10 (c) may acquire, hold or dispose of property, whether movable or
11 immovable; and
- 12 (d) shall do all such things as are necessary for or incidental to the
13 carrying out of its functions and duties under this Act.
- 14 2.-(1) There is established for the scheme, a governing Board (in Establishment
15 this Act referred to as the "Board") which consists of: and membership
16 (a) A Chairman also known as Administrator; of the Governing
17 (b) One representative each of the Federal Ministry: Board
- 18 (i) of Interior;
- 19 (ii) of Justice;

	1	(iii) of Environment;
	2	(iv) of Youth and Sport;
	3	(c) Six persons, one each from the Six geopolitical zones; and the
	4	Zonal Administrators
	5	(2) Members shall be:
	6	(a) Persons with vast cognate experience in the field of humanitarian
	7	and administration; and
	8	(b) Appointed by the President on the recommendation of the
	9	Minister.
	10	(3) The Commission shall have its head office in Abuja (FCT) and
	11	shall establish an office in each six (6) geo-graphical zones of the Federation
	12	that is:
	13	(i) North Central Zone;
	14	(ii) North East Zone;
	15	(iii) North West Zone;
	16	(iv) South East Zone;
	17	(v) South South Zone;
	18	(vi) South West Zone.
Schedule	19	(4) The supplementary provisions set out in the schedule in this Act
	20	shall have effect with respect to the proceedings of the Scheme and other
	21	matters contained therein.
Tenure of office	22	3. A member shall hold office:
	23	(a) for a term of four years and renewable for a further term of four
	24	years and no more; and
	25	(b) on such other terms and conditions as may be specified in his letter
	26	of appointment.
Cessation of membership	27	4.-(1) Notwithstanding the provisions of section 3 of this Act. a
	28	person shall cease to hold office as a member of the Board if:
	29	(a) he becomes bankrupt;

1 (b) he is convicted of a felony or any offence involving dishonesty
2 or fraud;

3 (c) he becomes of unsound mind or is incapable of carrying out his
4 duties;

5 (d) he is guilty of a serious misconduct in relation to his duties;

6 (e) in the case of a professional, he is disqualified or suspended
7 from practicing his profession in any part of the country by an order of a
8 competent authority; or

9 (f) he resigns his appointment by a letter addressed to the President
10 through the Secretary of the Scheme.

11 (2) If a member ceases to hold office for any reason before the
12 expiration of the term to which he was appointed, another person
13 representing the same interest as that member shall be appointed to the
14 Board for the unexpired term.

15 (3) A member may be removed by the President directly or on the
16 recommendation of the Minister if he is satisfied that it is not in the interest
17 of the Scheme or public that the member continues in that Schedule.

18 **5.** Notwithstanding anything to the contrary in this Act, the
19 Minister shall, not more than 3 months, exercise all the powers of the Board
20 where:

Dissolution of
the Board

21 (a) the Board has not been constituted;

22 (b) the Board has been dissolved; and

23 (c) any action taken or decision reached in compliance with the
24 provision of this subsection shall be valid for all intent and purposes.

25 **6.** A member shall be paid such allowances as the Federal
26 Government may, from time to time, direct.

Allowances of
members, etc.

27 **7.-(1)** The objectives of the Scheme shall be to:

Objectives of
the Scheme, etc.

28 (a) To develop an increased sense of Social Responsibility, a global
29 view of society and a heart for "giving back" and helping others by the
30 citizens:

- 1 (i) Ensure that every Nigerian possesses the sense of social
2 responsibility towards the nation, their various communities and toward one
3 another;
- 4 (ii) Provides an opportunity to apply social responsibility in academic
5 and learning environment to real life and events;
- 6 (iii) Builds relationships and 'social connectedness' with peers and
7 adults, and exposes students to diversity and multiculturalism;
- 8 (iv) Improves lifelong communication, interpersonal and critical
9 thinking skills in helping to build collectively the communities;
- 10 (v) Helps students through community effort find their passions and
11 interests that may lead to a career choice they may have not considered;
- 12 (vi) Enable the Nigerian Court system to create opportunity for
13 rendering community service by persons found guilty of misdemeanour
14 offences and other related offences with the judges discretion.
- 15 (b) work with the relevant agencies and ministry of Government in
16 collating data of the relevant community services to issue and direct the
17 applicants;
- 18 (c) sensitized all government agencies and parastatals to encourage
19 engagement of its members and staffs to contribute to the community services.
- 20 (d) encourage court systems to include in their penal models
21 sentencing in misdemeanour offences to community service;
- 22 (e) provide and instill in the mind of the citizens the value of helping
23 one another;
- 24 (f) collect, process and disseminate all community service data and
25 information within Nigeria;
- 26 (g) keep in safe custody all community activities and records in the
27 Scheme's archive;
- 28 (h) provide consultancy services to the public on community
29 activities;
- 30 (i) monitor applicant and volunteer achievement and progress and

1 report back to the referrer agencies and Court.

2 (j) establish stations for in the geopolitical zones offices and
3 efficient data base of its activities;

4 (k) carry out periodical training activities to improve
5 administration of the scheme and other related matter;

6 (l) promote community services initiative among the citizens
7 especially the youth;

8 (m) carry out other activities as are necessary and expedient for the
9 full discharge of any of its functions under this Act; and

10 (2) Without prejudice to the functions in subsection (1) of this
11 section, the Scheme shall, where it is required, prescribe the service
12 requirements for all activities including environmental sanitation, natural
13 disaster and relief management issues.

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

Functions and
Powers of the
Board

15 (a) formulate the general policies and guidelines relating to the
16 functions of the Scheme;

17 (b) supervise the management of the affairs of the Scheme;

18 (c) subject to the provisions of this Act, make or alter rules and
19 regulations for carrying out the functions of the Scheme; and

20 (d) formulate policy guidelines which, in the opinion of the Board,
21 are necessary to ensure the efficient performance of the functions of the
22 Scheme;

23 (e) doing such other things as are necessary or expedient for the
24 purpose of achieving the objectives of the scheme as set out under this Act;

25 (f) assess, from time to time, the research, consultancy and training
26 programmes relative to the Scheme;

27 (g) ensuring public awareness about the Scheme.

28 **9.-(1)** There shall be for the Scheme a Director-General who shall
29 be appointed by the President on the recommendation of the Minister.

Appointment etc.
of the Head of
the Scheme

30 (2) The Director-General shall be:

	1	(a) the Chief Executive and Administrative Officer of the Scheme;
	2	(b) responsible to the Board for the day-to-day administration of the
	3	Scheme;
	4	(c) a person with relevant and adequate qualifications in a senior
	5	Administrative cadre and shall be so qualified.
	6	(3) The Director-General shall hold office:
	7	(a) for a term of 4 years and may be reappointed for a second term of 4
	8	years and no more; and
	9	(b) on such terms and conditions as are specified In his letter of
	10	appointment.
Appointment of Secretary and Zonal Heads	11	10.-(1) The Scheme shall appoint for the Scheme a Secretary and
	12	Zonal heads who shall be with cognate experience and shall have been so
	13	qualified.
	14	(2) The Secretary shall:
	15	(a) be the Secretary to the Board;
	16	(b) be responsible for keeping the books and proper records of
	17	proceedings and correspondences of the Board and the upkeep of the records of
	18	the Scheme;
	19	(c) administer and discharge all secretarial obligations of the Scheme;
	20	(d) administer and discharge all insurance requirements of the
	21	Scheme;
	22	(f) perform such other functions as the Board or the Director- General,
	23	as the case may be, may, from time to time, assign to him;
	24	(g) the Zonal head shall be responsible for the day to day running of
	25	the zonal offices;
	26	(h) the Zonal head shall report directly to the Secretary for upward
	27	briefings of the Director-General.
Appointment of other staff and volunteers	28	11.-(1) The Board may deploy or appoint for the Scheme other
	29	employees, upon such terms and conditions as may be determined by the
	30	Board.

1 (2) The Board shall take in mostly Volunteers who shall serve at the
2 pleasure of the Board on the recommendation of the constituted authority.

3 (3) It shall be made a compulsory and mandatory for designated
4 scholars to undergo a time and duration of community service in pursuant to
5 the provisions of this Act.

6 (4) Service in the Scheme for a limited persons shall be approved
7 service for the purpose of the execution of the terms of this Act.

8 **12.** There is established for the Scheme a fund into which shall be
9 paid: Funds of the Scheme

10 (a) all subventions and budgetary allocations from the Federal
11 Government;

12 (b) gifts, loans, grants-in-aid from national, bilateral and
13 multilateral agencies;

14 (c) fines payable by applicants as prescribed by Court or other
15 approved authority; and

16 (d) returns on investments made by the Scheme,

17 **13.-(1)** Subject to subsection (2) of this section, the Scheme shall
18 apply the proceeds of the Fund established under section 11 of this Act: Expenditure

19 (a) to the cost of administration of the Scheme;

20 (b) to the payment of emoluments, allowances and benefits of
21 members of the Board and for reimbursing members of the Board of any
22 committee of the Board and for such expenses as may be expressly
23 authorized by the Board;

24 (c) to the payment of the salaries, fees or other remunerations or
25 allowances, gratuities, pensions and other benefits payable to the offices and
26 other employees of the Scheme:

27 Provided that no payment of any kind under this paragraph (except
28 such as may be expressly authorized by the Board) shall be made to any
29 person who is, within the relevant period, in receipt of emoluments from the
30 Federal or State Government;

	1	(d) for the development and maintenance of any property vested In or
	2	owned by the Scheme;
	3	(e) to publicize and promote the activities of the Scheme; and
	4	(f) to undertake such activities as are in connection with all or any of
	5	its functions under this Act.
	6	(2) Funds generated internally by the Scheme through fines, charges,
	7	fees and consultancy services shall be paid directly into the Federation
	8	Account.
Annual estimates and Accounts	9	14. -(1) The Scheme shall, not later than 30th September in each year,
	10	submit to the Minister an estimate of its expenditure and income (including
	11	payments to the Fund) for the next succeeding year.
	12	(2) The Scheme shall keep proper accounts in respect of each year and
	13	proper records in relation to those accounts and shall cause its accounts to be
	14	audited within 6 months after the end of each year by auditors appointed from
	15	the list and in accordance with the guidelines supplied by the Auditor-General
	16	of the Federation.
Annual reports	17	15. The Scheme shall prepare and submit to the Federal Executive
	18	Council, through the Minister, not later than 6 months after the end of each
	19	year, a report in such form as he may direct on the activities of the Scheme
	20	during the immediately preceding year, and shall include in the report a copy of
	21	the audited accounts of the Scheme for that year and the auditor's report on the
	22	accounts.
Power to accept gifts	23	16. The Scheme may accept any gift of land, money or other property
	24	on such terms and conditions, if any, as may be specified by the person or
	25	organization making the gift provided that such terms and conditions are not in
	26	conflict with the provisions of this Act.
Power to borrow	27	17. -(1) The Scheme may, from time to time, borrow by way of
	28	overdraft or otherwise such sums as it may require for the performance of its
	29	functions under this Act.
	30	(2) The Scheme shall not, without the approval of the Board, borrow

1 money which exceeds, at any time, the amount set by the Government as the
2 limit of the authority of the Scheme.

3 (3) Where the sum to be borrowed is in foreign currency, the
4 Scheme shall seek and obtain the approval of the Minister through the
5 Board.

6 **18.**-(1) A suit shall not lie or be instituted in any court against the
7 Scheme or its employees unless it is commenced: Limitation of
suits against the
Scheme, etc.

8 (a) within 3 months after the act, neglect or default complained of;
9 and

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

12 (2) A suit shall not be commenced against a member of the Board,
13 Director-General or any other officer or employee of the Scheme before the
14 expiration of a period of one month after written notice of the intention to
15 commence the suit shall have been served on the Scheme by the intending
16 plaintiff or his agent.

17 (3) The notice referred to in subsection (2) of this section shall
18 clearly state the:

19 (a) cause of action;

20 (b) particulars of claim;

21 (c) name and place of abode of the intending plaintiff; and

22 (d) relief which is sought

23 **19.** The notice in section 18(2) of this Act, summons or other
24 document required or authorized to be served on the Scheme under the
25 provisions of this Act or any other law or enactment may be served by: Service of
Document

26 (a) delivering to the Director-General; or

27 (b) sending by registered post addressed to the Director-General at
28 the principal office of the Scheme.

29 **20.**-(1) In any action or suit against the Scheme, no execution or
30 attachment of process in any nature shall be issued against the Scheme Restriction on
execution against
property

	1	unless a notice of not less than 3 months of the intention to execute or attach has
	2	been given to the Scheme.
	3	(2) Any sum of money which by the judgment of any court is awarded
	4	against the Scheme shall, subject to any direction given by the court where
	5	notice of appeal against the judgment has been given, be paid from the Fund of
	6	the Scheme.
Indemnity of members and employees	7	21. A member or employee shall be indemnified out of the asset of
	8	the Scheme for any liability incurred by him in defending any civil proceeding
	9	if such proceeding is brought against him in his capacity as a member or
	10	employee of the Scheme.
Powers to give directives	11	22. Subject to the provisions of this Act, the President may give to the
	12	Scheme directives of a general nature or relating generally to matters of policy
	13	with regard to the performance by the Scheme of its functions and the Scheme
	14	shall comply with the directives.
Fixing the seal of the Scheme	15	23. The fixing of the seal of the Scheme shall be authenticated by the
	16	signature of the Chairman, Director-General or any other person generally or
	17	specifically authorized by the Board to act for that purpose.
Regulations	18	24. The Minister may make such regulations necessary or expedient
	19	for giving full effect to the provisions of this Act and for the due administration
	20	of its provisions.
Interpretation	21	25.-(1) In this Act:
	22	"Scheme" means the National Community Services Scheme established under
	23	section 1 (1) of this Act;
	24	"Board" means the Governing Board of the Scheme established under section 2
	25	(1) of this Act;
	26	"Government" means Government of the Federal Republic of Nigeria;
	27	"Judges" means justices, jury, magistrates, arbitrators and other legitimate
	28	body with power of sentencing;
	29	"Member" means a member of the Board and includes the Chairman;
	30	"Minister" means the Minister charged with the responsibility of matters

1 relating to Interior and "Ministry" shall be construed accordingly;
2 "policy and guidelines" means policy and guidelines made for the
3 administration of the functions of the Scheme;
4 "power" includes functions and duties;
5 "president" means the President of the Federal Republic of Nigeria;
6 "regulation" means rules that may be established by the Scheme, from time
7 to time, for the administration and regulation of hydrological services in
8 Nigeria;

9 **26.** This Bill may be cited as the National Community Service Citation
10 Scheme (Establishment) Bill, 2020.

11 SCHEDULE

12 *Section 2 (3)*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE SCHEME, ETC.

(1) The Scheme may establish or appoint such number of committees as it may deem necessary for the discharge of its functions.

16 (2) A committee appointed under this paragraph shall:

(a) consist of such number of persons (not necessarily members of the Board as may be determined by the Scheme) and a person other than a member of the Scheme, shall hold office on the committee in accordance with the terms of his appointment; and

21 (b) be presided over by a member of the Scheme.

(3) The quorum of any committee set up by Scheme shall be as may be determined by the Scheme.

24 Subject to this Act and section 27 of the Interpretation Act, the Scheme may
25 make standing orders regulating its proceedings or that of any of its
26 committees.

At every meeting of the Scheme, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of them to preside at the meeting, The quorum at a meeting of the Scheme shall consist of the Chairman or, in an appropriate case, the person presiding at the

- 1 meeting pursuant to paragraph 3 of this Schedule, and 4 other members.
- 2 The Scheme shall, for the purpose of this Act, meet not less than 4 times in each
- 3 year and shall meet whenever it is summoned by the Chairman or, if required to
- 4 do so by notice given to him by not less than 4 other members, he shall summon
- 5 a meeting of the Scheme to be held within 14 days from the date on which the
- 6 notice is given.
- 7 Where the Scheme desires to obtain the advice of any person on a particular
- 8 matter, the Scheme may co-opt him to the Scheme for such period as it deems
- 9 fit but a person who is a member by virtue of this sub-paragraph shall not be
- 10 entitled to vote at any meeting of the Scheme and shall not count towards a
- 11 quorum.
- 12 A member of the Scheme who is directly or indirectly interested in any matter
- 13 being deliberated on by the Scheme or interested in any contract made or
- 14 proposed to be made by the Scheme shall, as soon as possible after the relevant
- 15 facts have come to his knowledge, disclose the nature of his interest at a
- 16 meeting of the Scheme.
- 17 A disclosure under this paragraph shall be recorded in the minutes of meeting
- 18 of the Scheme and the member concerned shall:
- 19 (a) not, after the disclosure, take part in any deliberation or decision of
- 20 the Scheme; and
- 21 (b) be excluded for the purpose of constituting a quorum of any
- 22 meeting of the Scheme, deliberation or decision with regard to the subject
- 23 matter in respect of which his interest is so disclosed.

EXPLANATORY MEMORANDUM

The Bill seeks to make provision for the establishment of National Community Service Scheme and to develop an increased sense of social responsibility, a global view of society and a heart for 'giving back' and helping others in Nigeria.