

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION TO SERVE AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST, RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE REHABILITATION, RECONSTRUCTION AND REPARATION FOR HOUSES AND LOST BUSINESSES OF VICTIMS OF THE CIVIL WAR, AND ADDRESS ANY OTHER ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES; AND FOR RELATED MATTERS

Sponsors:

Hon Nkeiruka Onyejeocha	Hon. Toby Okechukwu
Hon. Uzoma Nkem-Abonta	Hon. Alhassan Ado Doguwa
Hon. M. T. Monguno	Hon. Ndudi Elumelu
Hon. Gideon Gwani	Hon. Ossy P. Chinedu Ehiriode
Hon. Nkole UkoNdukwe	Hon. Kalu Benjamin Okezie
Hon. Darlington Nwokocha	Hon. Adaelu Solomon Ezinwa O.
Hon. Onuigbo Samuel Ifeanyi	Hon. Obidigwe Chinedu Benjamin
Hon. Chukwuka Onyema Wilfred	Hon. Umeoji Chukwu Michael
Hon. Ofumelu Vincent Ekene	Hon. Onwuaso Chinedu Samuel
Hon. Ferdinand DozieNwanko	Hon. Obinna Chijoka
Hon. MomohIfeanyi Chudy	Hon. Chris Emeka Ifeanyi Azubogu
Hon. Ezenwankwo Okwudili	Hon. Lynda Chuba Ikpeazu
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Hon. Amadi Oguerina Dennis	Hon. Oke Martins
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Hon. Asadu Patrick Oziokoja	Hon. Bede Eke Uchenna
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Hon. Obi Paschal	Hon. Nwawuba Henry Ndochukwu
Hon. Princess Mariam OdinakaOnuoha	Hon. Ugonna Ozurigbo
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Hon. Usman Zannah	Hon. Khadija Bukar Ibrahim
Hon. Adedeji Stanley Olajide	Hon. KoladeVictorAkinjo
Hon. Ogene Egoh	Hon. Shaba Ibrahim
Hon. Abubakar Y. Idris	Hon. Ado Sani
Hon. Solomon BulusMaren	Hon. Adejoro Adeogun
Hon. Makki A. Yalleman	Hon. Ganiyu Johnson
Hon. Alli Adeyemi	Hon. Miriam Onuoha
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Hon. Tijani Ismail	Hon. Thomas Ereyitomi
Hon. Dachung Musa Bagos	Hon. Adejare S. B
Hon. James A Owolabi	Hon. ShoyinkaOlatunji
Hon. Unyime Idem	

Commencement

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

1 PART I - ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT

2 COMMISSION

Establishment
of the South East
Development
Commission3 1.-(1) There is established a Commission to be known as the South
4 East Development Commission (in this Bill referred to as "the Commission").

5 (2) The Commission-

6 (a) shall be a body corporate with perpetual succession and a common
7 seal;

8 (b) may sue and be sued in its corporate name.

9 (3) The Commission shall have its head Office in Enugu, Enugu State
10 and shall establish Offices in each member State of the Commission.11 (4) The President may subject to the approval of the National
12 Assembly wind-up the Commission after 10 years.Establishment
of Governing
Board of the
Commission13 2.-(1) There is established for the Commission a Governing Board (in
14 this Bill referred to as "the Board"), which shall consists of-

15 (a) the Chairman;

16 (b) one person who shall be an indigene to represent each of the
17 following member States, that is-

18 (i) Abia,

19 (ii) Anambra,

20 (iii) Ebonyi,

21 (iv) Enugu, and

22 (v) Imo.

23 (c) a member from each geo-political zone would be represented at
24 the Board-

25 (d) one person not below the rank of a Director to represent-

26 (i) the Federal Ministry of Finance;

27 (ii) the Federal Ministry of Justice;

28 (iii) the Ministry responsible for budget and National Planning.

29 (e) the Managing Director of the Commission; and

30 (f) two Executive Directors who are to be appointed from member

1 States not being represented by the Chairman and the Managing Director of
2 the Commission and shall be designated as:

3 (g) Executive Director, Administration and Finance; and

4 (h) Executive Director Operations.

5 (2) At no time should any Member State within the South East
6 Zone, have two (2) members on the Board.

7 (3) The Chairman and other members of the Board shall-

8 (a) be appointed by the President, Commander-in-Chief of the
9 Armed Forces, subject to the confirmation of the Senate;

10 (b) be persons of proven integrity and ability.

11 (4) The members of the Board referred to in paragraph (a), (b) and
12 (c) of subsection (1) of this section shall be part-time members.

13 (5) The supplementary provision set out in the schedule to this Bill
14 shall have effect with respect to the proceedings of the Board and the other
15 matters contained therein.

16 3.-(1) Subject to the provisions of section 4 of this Bill, a member
17 of the Board, other than an ex-officio member, shall hold office for a term of
18 4 years at the first instance and may be reappointed for a further term of 4
19 years and no more. Tenure of office

20 (2) The members of the Board shall be paid such remunerations
21 and allowances as the Federal Government may, from time to time,
22 determine for the chairman and members of statutory Board generally.

23 (3) A member of the Board other than ex-officio members, may
24 resign his appointment by notice, in writing under his hand addressed to the
25 President Commander-in-Chief of the Armed Forces.

26 4. The office of the Chairman of the Commission shall rotate
27 among the member states of the Commission in the following alphabetical
28 order- Rotation of Office
of Chairman of
the the Commission

29 (a) Abia;

30 (b) Anambra;

	1	(c) Ebonyi;
	2	(d) Enugu; and
	3	(e) Imo.
Cessation of Membership of the Board	4	5. -(1) Notwithstanding the provisions of section 3 of this Act, a
	5	person shall cease to hold office as a member of the Board if-
	6	(a) he becomes bankrupt, suspends payment or compounds with his
	7	creditors; or
	8	(b) he is convicted of a felony or any offence involving dishonesty or
	9	fraud;
	10	(c) he becomes of unsound mind, or incapable of carrying out his
	11	duties;
	12	(d) he is guilty of a serious misconduct in relation to his duties;
	13	(e) in the case of a person possessed of professional qualification, he
	14	is disqualified or suspended, other than at his own request, from practicing his
	15	profession in any part of the world by an order of a competent authority made in
	16	respect of that member; or
	17	(f) he resigns his appointment by a letter addressed to the President,
	18	Commander-in-Chief of the Armed Forces.
	19	(3) Where a vacancy occurs in the membership of the Board, it shall
	20	be filled by the appointment of a successor to hold office for the remainder of
	21	the term of office of his predecessor, so however, that the successor shall
	22	represent the same interest and shall be appointed by the President,
	23	Commander-in-Chief of Armed Forces subject to the confirmation of the
	24	Senate.
Allowances of Members	25	6. There shall be paid to every member of the Board such allowances
	26	and expenses as Federal Government may, from time to time, direct.
	27	PART II - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
Functions and Powers of the Commission	28	7. -(1) The Commission shall-
	29	(a) formulate policies and guidelines for the development of the
	30	South East;

1 (b) conceive, plan and implement, in accordance with set rules and
2 regulations, projects and programmes for the sustainable development of
3 the South East in the field of roads, education, health facilities, employment,
4 industrialization, agriculture, housing and urban development, water
5 supply, electricity and commerce;

6 (c) prepare master plans and schemes designed to promote the
7 physical development of the South East and the estimate of the cost of
8 implementing such master plans and schemes;

9 (d) implement all the measures approved for the development of
10 the South East by the Federal Government and the member States of the
11 Commission;

12 (e) identify factors inhibiting the development of the South East
13 and assist the member states in the formulation and implementation of
14 policies to ensure sound and efficient management of the resources of the
15 South East;

16 (f) conceive, conceptualize, plan and implement, in accordance
17 with set rules and regulations, projects and programmes for the sustainable
18 development of the South-East zone by receiving and management of funds
19 from the Federation account and donor funds for the rehabilitation and
20 reconstruction reparation for houses and lost businesses of victims of the
21 civil war, ecological and soil erosion problems and other related
22 environmental or developmental challenges;

23 (g) cause the South-East zone to be surveyed in order to ascertain
24 measures which are necessary to promote its physical and socio-economic
25 development;

26 (h) assess and report on any project being funded or carried out in
27 the South-East Zone for the purpose of rehabilitation and reconstruction of
28 roads, reparation of houses and lost businesses of victims of the Civil War by
29 the Federal Government and ensure that the funds released for such projects
30 are properly utilized;

1 (i) tackle ecological and environmental problems that arise from the
2 soil erosion problems and other related environmental challenges in the South-
3 East and advise the Federal Government and the member states on the
4 prevention and control of the erosion and environmental challenge;

5 (j) carry out such other functions as the President may, from time to
6 time, direct.

7 (2) In exercising its functions and powers under this section, the
8 Commission shall have regard to the varied and specific contributions of each
9 member state of the Commission.

Powers of the
Board

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

11 (a) manage and supervise affairs of the Commission;

12 (b) make rules and regulations for carrying out the functions of the
13 Commission;

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

16 (d) pay the staff of the Commission such remuneration and
17 allowances as appropriate;

18 (e) enter into such contracts as may be necessary or expedient for the
19 discharge of its functions and ensure the efficient performance of the functions
20 of the Commission;

21 (f) do such other things as are necessary and expedient for the
22 efficient performances of the functions of the Commission.

23 PART III - STRUCTURE OF THE COMMISSION

Establishment
of Departments

24 **9.**(1) There shall be established in the Head Office of the
25 Commission, the following Departments-

26 (a) Department of Administration, Human Resources and Man Power
27 Development;

28 (b) Department of Utilities and Infrastructural Development;

29 (c) Department of Finance and Supplies;

30 (d) Department of Planning, Research, Statistics and Management

1 Information System.

2 (2) There shall exist in the Commission, a Project Monitoring and
3 Supervision Unit, which shall be under the supervision of the Managing
4 Director.

5 (3) The Board may increase the number of Departments as it may
6 deem expedient to facilitate the effective performance of the functions of the
7 Commission.

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

10 (a) consist of the Managing Director, the Executive Directors, the
11 Directors responsible for the Departments under section 9 of this Bill and
12 such number of other members as may be determined from time to time;

13 (b) be responsible to the Board and the Managing Director for the
14 general administration of the Commission.

15 **11.**-(1) There is established for the Commission, a South East Establishment of
the South East
Development
Commission
Advisory
Committee
16 Development Advisory Committee (in this Bill referred to as "the Advisory
17 Committee"), which shall consist of-

18 (a) the Governors of the member states of the Commission; and

19 (b) two other persons as may be appointed, from time to time, by
20 the President, Commander-in-Chief of the Armed Forces.

21 (2) The Advisory Committee shall be charged with the
22 responsibility of advising the Board on the activities of the Commission.

23 (3) The Advisory Committee may make rules regulating its own
24 proceedings.

25 **12.**-(1) The Board shall appoint a Secretary to the Commission Commission
Secretary/Legal
Adviser
26 who shall also act as its Legal Adviser.

27 (2) The Secretary to the Commission must be a legal practitioner of
28 not less than ten (10) years post call to Bar experience and must possess the
29 requisite experience to hold such an office.

30 (3) The Secretary shall-

- 1 (a) keep proper records and books of the Commission;
2 (b) record proceedings of the Board and its Committees;
3 (c) be responsible for the administration of the Secretariat;
4 (d) issue notices of meetings of the Board and its Committees; and
5 (e) be responsible to the Managing Director and the Board.
6 (4) The Secretary shall hold office on such terms and conditions as
7 may be specified by the Board.

8 PART IV - STAFF OF THE COMMISSION

Appointment of
the Managing
Director and other
Staff of the
Commission

- 9 **13.**-(1) There shall be for the Commission, a Managing Director who
10 shall-
11 (a) have such qualification and experience as are appropriate for a
12 person required to perform functions of that office under this Bill;
13 (b) be the Chief Executive and Accounting Officer of the
14 Commission;
15 (c) be appointed by the President of the Federal Republic of Nigeria
16 and confirmed by the Senate;
17 (d) hold office on such terms and conditions as to emoluments,
18 conditions of service as may be specified in his letter of appointment.
19 (2) The Managing Director shall, subject to the general direction of
20 the Board, be responsible-
21 (a) for the day to day administration of the Commission;
22 (b) the general direction and control of all other employees of the
23 Commission.
24 (3) The Board shall have to-
25 (a) employ either directly or on secondment from any civil or public
26 service, in the Federation or a State such number of employees as may, in the
27 opinion of the Board, be required to assist the Board in the discharge of any of
28 its functions under this Bill; and
29 (b) pay to persons so employed such remuneration (including
30 allowances) as the Board may determine.

1 **14.**-(1) Service in the Commission shall be approved service for
 2 the purposes of the Pension Act.

Service in the Commission to be pensionable

3 (2) The officers and other persons employed in the Commission
 4 shall be entitled to pensions, gratuities and other retirement benefits as are
 5 enjoyed by persons holding equivalent grades as appropriate.

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

9 (4) For the purposes of the application of the provisions of the
 10 Pensions Act, any power exercisable thereunder by the Minister or other
 11 authority of the Government of the Federation, other than the power to make
 12 regulations under section 23 thereof, is hereby vested in and shall be
 13 exercisable by the Commission, and not by any other person or authority.

14 PART V - FINANCIAL PROVISIONS

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

Fund of the Commission

17 (2) There shall be paid and credited to the fund established
 18 pursuant to subsection (1) of this section-

19 (a) from the Federal Government, the equivalent of 10 percent of
 20 the total monthly statutory allocations due to the member States of the
 21 Commission from the Federation Account; this being the contribution of the
 22 Federal Government to the Commission;

23 (b) 1% from the Ecological Fund of the Federation shall be
 24 allocated to the Commission;

25 (c) such monies as may from time to time, be granted or lent to or
 26 deposited with the Commission by the Federal or a State Government, any
 27 other body or institution whether local or foreign;

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

30 (e) proceeds from all other assets that may, from time to time,

1 accrue to the Commission.

2 (3) The Fund shall be managed in accordance with the rules made by
3 the Board, and without prejudice to the generality of the power to make rules
4 under this subsection, the rules shall in particular contain provisions-

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

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

Expenditure of
the Commission

10 **16.** The Commission shall apply the proceeds of the fund established
11 pursuant to section 15 of this Bill to-

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

13 (b) the payment of salaries, fees, remuneration, allowances, pensions
14 and gratuities payable to the members of the Board specified in section 6 of this
15 Bill or any Committee of the Board and the employees of the Commission;

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

18 (d) the payment for all purchases; and

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

Gifts to the
Commission

21 **17.**-(1) The Commission may accept gifts of land, money or other
22 property on such terms and conditions; it may be specified by the person or
23 organisation making the gift.

24 (2) The Commission shall not accept any gift if the conditions
25 attached by the person or organisation making the gift are inconsistent with the
26 functions of the Commission under this Bill.

Power to borrow
money

27 **18.** The Commission may, with the consent of the President,
28 Commander-in-Chief of the Armed Forces, borrow, on such terms and
29 conditions as the Commission may require in the exercise of its functions under
30 this Bill.

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

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

Directives by
the President,
Commander-in-
Chief of the
Armed Forces

5 **23.** Subject to the provisions of this Bill, the President, Commander-
6 in-Chief of the Armed Forces may give to the Commission, directives of a
7 general nature or relating generally to matters of policy with regard to the
8 performance by the Commission of its functions and it shall be the duty of the
9 Commission to comply with the directives.

Limitation of
suits against
Commission
Cap. 379 LFN

10 **24.**-(1) Subject to the provisions of this Bill, the provisions of the
11 Public Officers Protection Act shall apply in relation to any suit instituted
12 against any officer or employee of the Commission.

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

19 (a) it is commenced within three months after the act, neglect or
20 default complained of; or

21 (b) in the case of a continuation of damage or injury, within six
22 months after the leasing thereof.

Service of
Documents

23 **25.** A notice, summons or other document required or authorised to
24 be served upon the Commission under the provisions of this Bill or any other
25 law or enactment may be served by delivering it to the Managing Director or by
26 sending it by registered post and addressed to the Managing Director at the
27 principal office of the Commission.

Restriction on
Execution against
Property of the
Commission

28 **26.**-(1) In any action or suit against the Commission, no execution or
29 attachment of process thereof can be issued against the Commission, unless not
30 less than three months notice has been given to the Commission.

1 (2) Any sum of money, which may by the judgment of any Court,
2 has been awarded against the Commission shall, subject to any direction
3 given by the Court where no notice of appeal against the said judgment has
4 been given, be paid from the fund of the Commission.

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

Indemnity of
Officers

11 **28.** The Commission may, with the approval of the President,
12 Commander-in-Chief of the Armed Forces, make regulations, generally for
13 the purposes of giving full effect to this Bill.

Regulations

14 **29.** In this Bill, unless the context otherwise requires-
15 "Chairman" means the Chairman of the Board;
16 "Commission" means the South East Development Commission,
17 established by section 1 of this Bill;
18 "Board" means the Governing Board established for the Commission under
19 section 2 (1) of this Bill;
20 "Member" means a member of the Board and includes the Chairman,
21 Managing Director and Executive Directors;
22 "Member States" include Abia, Anambra, Ebonyi, Enungu, and Imo States;
23 and
24 "President" means the President and Commander-In-Chief of the Forces of
25 the Federal Republic of Nigeria.

Interpretation

26 **30.** This Bill may be cited as the South East Development
27 Commission (Establishment, etc.) Bill, 2020.

Citation

1 SCHEDULE

2 *Section 2(5)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

4 *Proceedings of the Board*

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

8 (2) At any meeting of the Board, the Chairman shall preside but in his
9 absence the members present at the meeting shall appoint one of them to
10 preside.

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

15 2.-(1) The Board may appoint one or more Committees to carry out,
16 on behalf of the Board such functions as the Board may determine.

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

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

22 *Miscellaneous*

23 3.-(1) The fixing of the seal of the Commission shall be authenticated
24 by the signatures of the Chairman or any other member of the Board
25 specifically authorised by the Board to act for that purpose and the Secretary to
26 the Board.

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

30 (3) The Board shall meet a minimum of four (4) times a year. At least

- 1 one meeting in each quarter.
- 2 (4) The validity of any proceedings of the Board or of a Committee
- 3 shall not be adversely affected by-
- 4 (a) a vacancy in the membership of the Board or Committee; or
- 5 (b) a defect in the appointment of a member of the Board or
- 6 Committee; or
- 7 (c) reason that a person not entitled to do so took part in the
- 8 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South East Development Commission to be charged with the responsibility of managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East.