

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST; AND OTHER CONNECTED MATTERS

Sponsored by Senator Stella Oduah

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT
2 COMMISSION AND GOVERNING BOARD

3 1.-(1) There is hereby established a body to be known as the South
4 East Development Commission (in this Act referred to as "the
5 Commission").

Establishment
of the South East
Development
Commission

6 (2) The Commission-

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

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

10 (3) The Commission shall have its head office in Enugu, Enugu
11 State and shall establish an office in each member State of the Commission.

12 (4) The President may subject to the approval of the National
13 Assembly wind-up the Commission after 10 years.

14 2.-(1) There is hereby established for the Commission a Governing
15 Board (in this Act referred to as "the Board"), which shall consist of-

Establishment
of Government
Council of the
Commission

16 (a) a chairman;

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

19 (i) Anar abra,

- 1 (ii) Imo
- 2 (iii) Ebonyi,
- 3 (iv) Enugu, and
- 4 (v) Imo;
- 5 (c) a representative of the Federal Ministry of Finance;
- 6 (d) a representative of the Federal Ministry of Justice;
- 7 (e) the Managing Director of the Commission; and
- 8 (f) two Executive Directors;
- 9 (2) The Chairman and other members of the Board shall-
- 10 (a) be appointed by the President, Commander-in-Chief Forces,
- 11 subject to the confirmation of the Senate;
- 12 (b) be persons of proven integrity and ability.
- 13 (3) The members of the Board referred to in paragraph (d) of
- 14 subsection (i) of this Section shall be part-time members.
- 15 (4) The supplementary provision set out in the schedule to this Act
- 16 shall have effect with respect to the proceedings of the Board and the other
- 17 matters contained therein.
- 18 **3.-(1)** Subject to the provisions of section 4 of this Act a member of
- 19 the Board, other than an ex-officio member, shall hold office for a term of 4
- 20 years at the first instance and may be reappointed for a further term of 4 years
- 21 and no more.
- 22 (2) The member of the Board shall be paid such remunerations and
- 23 allowances as the Federal Government may, from time to time, determine for
- 24 the chairman and member of statutory board generally.
- 25 (3) A member of the Board other than ex-officio members, may resign
- 26 his appointment by notice, in writing under his hand addressed to the President
- 27 Commander-in-Chief of the Armed Forces.
- 28 **4.** The office of the Chairman of the Commission shall rotate among
- 29 the member states of the Commission in the following alphabetical sequence
- 30 of-

Tenure of office

Rotation of Office
of Chairman of
the Commission

1 (a) Anambra;

2 (b) Abia,

3 (c) Ebonyi;

4 (d) Enugu; and

5 (e) Imo.

6 5.-(1) Notwithstanding the provisions of section 3 of this Act, a
7 person shall cease to hold office as a member of the Board if-

Cessation of
Membership of
the Board

8 (a) he becomes bankrupt, suspends payment or compounds with
9 his creditors;

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

12 (c) he becomes of unsound mind, or incapable of carrying out his
13 duties;

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

15 (e) in the case of a person possessed of professional qualification,
16 he is disqualified or suspended, other than at his own request, from
17 practicing his profession in any part of the world by an order of a competent
18 authority made in respect of that member; or

19 (f) he resigns his appointment by a letter addressed to the President,
20 Commander-in-Chief of the Armed Forces

21 (3) Where a vacancy occurs in the membership of the Board, it
22 shall be filled by the appointment of a successor to hold office for the
23 remainder of the term of office of his predecessor, so however, that the
24 successor shall represent the same interest and shall be appointed by the
25 President, Commander-in-Chief of Armed Forces subject to the
26 confirmation of the Senate.

27 6. There shall be paid to every member of the council such
28 allowances and expenses as Federal Government may, from time to time,
29 direct.

Allowances of
Members

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

Functions and
Powers of the
Commission

2 7.--(1) The Commission shall-

3 (a) formulate policies and guidelines for the development of the South
4 East;5 (b) conceive, plan and implement, in accordance with set rules and
6 regulations, projects and programmes for the sustainable development of the
7 South East in the field of roads, education, health facilities, employment,
8 industrialization, agriculture, housing and urban development, water supply,
9 electricity and commerce;10 (c) prepare master plans and schemes designed to promote the
11 physical development of the South East and the estimate of the cost of
12 implementing such master plans and schemes;13 (d) implement all the measures approved for the development of the
14 South East by the Federal Government and the member States of the
15 Commission;16 (e) identify factors inhibiting the development of the South East and
17 assist the member states in the formulation and implementation of policies to
18 ensure sound and efficient management of the resources of the South East;19 (f) carry out such other functions as the President may, from time to
20 time, direct.21 (2) In exercising its functions and powers under this section, the
22 Commission shall have regard to the varied and specific contributions of each
23 member state of the Commission.Powers of the
Board

24 8. The Board shall have power to-

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

26 (b) make rules and regulations for carrying out the functions of the
27 Commission;28 (c) enter and inspect premises, projects and such places as may be
29 necessary for the purposes of carrying out its functions under this Act;

30 (d) pay the staff of the Commission such remuneration and

1 allowances as appropriate;

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

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

7 PART III - STRUCTURE OF THE COMMISSION

8 9.-(1) There shall be established in the Head Office of the
9 Commission, the following Directorates-

Establishment
of Directorates

10 (a) the Directorate of Administration, Human Resources and Man
11 power Development;

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

13 (c) the Directorate of Utilities, Infrastructural Development;

14 (d) the Directorate of Finance and Supplies;

15 (e) the Directorate of Agriculture and Rural Development,

16 (f) the Directorate of Planning, Research, Statistics and
17 Management Information system;

18 (g) the Directorate of Legal Services and Corporate Affairs;

19 (h) the Directorate of Education, Health and Social Services;

20 (i) the Directorate of Commercial and Industrial Development; and

21 (j) the Directorate of Projects Monitoring and Supervision.

22 (2) The Board may increase the number of Directorates as it may
23 deem necessary.

24 10. There shall be for the Commission a management Committee
25 which shall-

Establishment
of the Management
Committee

26 (a) consist of a Chairman who shall be the Managing Director, the
27 Executive Directors, the Directors responsible for the Directorates under
28 section 9 of this Act and such number of other members as may be
29 determined from time to time;

30 (b) be responsible to the Board and the Managing Director for the

Establishment
and Membership
and Functions
if the South
East Development

1 general administration of the Commission.

2 **11.**-(1) There is hereby established for the Commission, a South East
3 Development Advisory Committee (in this Act referred to as "the Advisory
4 Committee") which shall consist of-

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

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

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

10 (3) The Advisory Committee may make rules regulating its own
11 proceedings.

12 **PART IV - STAFF OF THE COMMISSION.**

Appointment
of Executive
Secretary, etc.

13 **12.**-(1) There shall be for the Commission, a Managing Director, and
14 two Executive Directors who shall-

15 (a) have such qualification and experience as are appropriate for a
16 person required to perform functions of that office under this Act, and

17 (b) be the Chief executive and accounting officer of the Commission.

18 (c) hold office on such terms and conditions as to emolument,
19 conditions of service as may be specified in his letter of appointment.

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

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

23 (b) for keeping the books and proper records of the proceedings of the
24 Board; and

25 (c) for-

26 (i) the administration of the Secretariat of the Board; and

27 (ii) the general direction and control of all other employees of the
28 chairman.

29 (3) The Board shall have to-

30 (a) employ either directly or on secondment from any civil or public

1 service, in the Federation or a State such number of employees as may, in the
2 opinion of the Board, be required to assist the Board in the discharge of any
3 of its functions under this Act; and

4 (b) pay to persons so employed such remuneration (including
5 allowances) as the Board may determine).

6 13.-(1) Service in the Commission shall be approved service for
7 the purposes of the Pension Act.

Service in the
Commission to
be pensionable

8 (2) The officers and other persons employed in the commission
9 shall be entitled to pensions, gratuities and other retirement benefits as are
10 enjoyed by persons holding equivalent grades as appropriate.

11 (3) Nothing in subsections (1) and (2) of this Section shall prevent
12 the appointment of a person to any office on terms which preclude the grant
13 of pension and gratuity in respect of that office.

14 (4) For the purposes of the application of the provisions of the
15 Pensions Act, any power exercisable thereunder by the Minister or other
16 authority of the Government of the Federation, other than the power to make
17 regulations under section 23 thereof, is hereby vested in and shall be
18 exercisable by the commission, and not by any other person or authority.

19 PART V - FINANCIAL PROVISIONS

20 14.-(1) The Commission shall establish and maintain a fund from
21 which shall be defrayed all expenditure incurred by the Commission.

Fund of the
Commission

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

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

28 (b) 50 percent of monies due to member States of the Commission
29 from the Ecological Fund;

30 (c) such monies as may from time to time, be granted or lent to or

1 deposited with the Commission by the Federal or a state Government, any
2 other body or institution whether local or foreign;

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

5 (e) proceeds from all other assets that may, from time to time, accrue
6 to the Commission.

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

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

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

Expenditure
of the Commission

15 15. The Commission shall apply the proceeds of the fund established
16 pursuant to section 14 of this Act to-

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

18 (b) the payment of salaries, fees, remuneration, allowances, pensions
19 and gratuities payable to the members of the Board specified in section 6 of this
20 Act or any Committee of the Board and the employees of the Commission;

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

23 (d) the payment for all purchases; and

24 (e) undertaking such other activities as are connected with all or any
25 of the functions of the Commission under this Act.

Gifts to the
Commission

26 16.-(1) The Commission may accept gifts of land, money or other
27 property on such terms and conditions; it may be specified by the person or
28 organisation making the gift.

29 (2) The Commission shall not accept any gift if the conditions
30 attached by the person or organisation making the gift are inconsistent with the

1 functions of the Commission under this Act.

2 17. The Commission may, with the consent of the President, Power to borrow
3 Commander-in-Chief of the Armed Forces, borrow, on such terms and money
4 conditions as the Commission may require in the exercise of its functions
5 under this Act.

6 18.-(1) The Board shall, not later than 30th September in each year, Annual Estimates
7 submit to the President, Commander-in-Chief of the Armed Forces an and Expenditure
8 estimate of the expenditure and income of the Commission during the next
9 succeeding year.

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

15 19. The Commission shall, at the end of every quarter in each year, Quarterly Report
16 submit to the President Commander-in-Chief of the Armed Forces a report
17 on the activities and administration of the Commission.

18 20. The Board shall prepare and submit to the President, Annual Report
19 Commander-in-Chief of the Armed Forces, not later than 30th June in each
20 year, a report in such form as the President, Commander-in-Chief of the
21 Armed Forces, may direct on the activities of the Commission during the
22 immediately preceding year, and shall include in the report a copy of the
23 audited accounts of the Commission for that year and the auditor's report
24 thereon.

25 (2) The President, Commander-in-Chief of the Armed Forces
26 shall, upon receipt of the report referred to in subsection (1) of this Section,
27 cause a copy of the report and the audited accounts of the Commission and
28 the auditor's report thereon to be submitted to each House of the National
29 Assembly.

PART VI - MISCELLANEOUS PROVISION.

Establishment
of Monitoring
Committee

1
2 **21.**-(1) There is hereby established for the Commission a monitoring
3 Committee which shall consist of such number of persons as the President,
4 Commander-in-Chief of the Armed Forces may deem fit to appoint from the
5 Public or Civil Service of the Federation.

6 (2) The Monitoring Committee shall-

7 (a) monitor the management of the funds of the Commission and the
8 implementation of the projects of the Commission; and

9 (b) have access to the books of accounts and other records of the
10 Commission at all times, and submit periodical reports to the President,
11 Commander-in-Chief of the Armed Forces.

Office and
Premise of the
Commission
Cap. 202 LFN

12 **22.**-(1) For the purposes of providing offices and premises necessary
13 for the performance of its functions under this Act, the Commission may,
14 subject to the land use Act-

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

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

17 (2) The Commission may, subject to the land use Act, sell or lease out
18 any office or premises held by it, which office or premises is no longer required
19 for the performance of its functions under this Act.

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

20 **23.** Subject to the provisions of this Act, the President, Commander-
21 in-Chief of the Armed Forces may give to the Commission directives of a
22 general nature or relating generally to matters of policy with regard to the
23 performance by the Commission of its functions and it shall be the duty of the
24 Commission to comply with the directives.

Limitation of
suits against
Commission
Cap. 379 LFN

25 **24.**-(1) Subject to the provisions of this Act, the provisions of the
26 Public Officers Protection Act shall apply in relation to any suit instituted
27 against any Officer or employee of the Commission.

28 (2) Notwithstanding anything contained in any other law or
29 enactment, no suit shall lie against any member of the Board, the Managing
30 Director or any other officer or employee of the Commission for any act done

1 in pursuance or execution of this Act or any other law or enactment, or of any
2 alleged neglect or default in the execution of this Act or such law or
3 enactment, duty or authority, shall lie or be instituted in any court unless-

4 (a) it is commenced within three months next after the Act, neglect
5 or default complained of; or

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

8 **25.** A notice, summons or other document required or authorised
9 to be served upon the Commission under the provisions of this Act or any
10 other law or enactment may be served by delivering it to the Managing
11 Director or by sending it by registered post and addressed to the Managing
12 Director at the principal office of the Commission.

Service of
Documents

13 **26.-(1)** In any action or suit against the Commission, no execution
14 or attachment of process against the Commission unless not less than three
15 months notice of the intention to execute or attachment has been given to the
16 Commission.

Restriction
Execution against
property of the
Commission

17 (2) Any sum of money which by the judgment of any court has been
18 awarded against the Commission shall be subject to any direction given by
19 the court, where no notice of appeal against the judgment has been given be
20 paid from the fund of the Commission.

21 **27.** A member of the Board, the Managing Director, any officer or
22 employee of the Commission shall be indemnified out of the assets of the
23 Commission against any proceeding, whether civil or criminal, in which
24 judgment is given in this favour or in which he is acquitted, if any such
25 proceeding is brought against him in his capacity as a member of the Board,
26 the Managing Director, officers or employee of the Commission.

Indemnity of
Officers

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

Regulations

1 is confirmed by the Board.

2 *Miscellaneous*

3 3.-(1) The fixing of the seat of the Committee shall be
4 authenticated by the signature of the Chairman and the Secretary to the
5 Board.

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

9 (5) The validity of any proceedings of the Board or of a Committee
10 shall not be adversely affected by-

11 (a) a vacancy in the membership of the Board or Committee;

12 (b) a defect in the appointment of a member of the Board or
13 Committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South East Development Commission in the Federal Republic of Nigeria 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.

