

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH WEST DEVELOPMENT COMMISSION TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL AND INDUSTRIAL POTENTIALS OF THE SOUTH WEST, TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT OF THE SOUTH WEST AND ANY OTHER RELATED EDUCATIONAL BACKWARDNES AS WELL AS SECURITY AND DEVELOPMENTAL CHALLENGE; AND OTHER CONNECTED MATTERS

Sponsored by Senator Ibikunle Amosun

[] Commencement

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

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

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

Establishment of the South West 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 Ogun, Ogun
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;

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

3 Ogun,

4 Lagos,

5 Ondo,

6 Oyo,

7 Osun,

8 Ekiti.

9 (c) a representative of the Federal Ministry of Finance;

10 (d) a representative of the Federal Ministry of Justice;

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

12 (f) two Executive Directors;

13 (2) The Chairman and other members of the Board shall-

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

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

17 (3) The members of the Board referred to in paragraph (d) of
18 subsection (i) of this Section shall be part-time members.

19 (4) The supplementary provision set out in the schedule to this Act
20 shall have effect with respect to the proceedings of the Board and the other
21 matters contained therein.

Tenure of office

22 3.-(1) Subject to the provisions of section 4 of this Act a member of
23 the Board, other than an ex-officio member, shall hold office for a term of 4
24 years at the first instance and may be reappointed for a further term of 4 years
25 and no more.

26 (2) The member of the Board shall be paid such remunerations and
27 allowances as the Federal Government may, from time to time, determine for
28 the chairman and members of statutory board generally.

29 (3) A member of the Board other than ex-officio members, may resign
30 his appointment by notice, in writing under his hand addressed to the President

1 Commander-in-Chief of the Armed Forces.

2 4. The office of the Chairman of the Commission shall rotate
3 among the member states of the Commission in the following alphabetical
4 sequence of-

Rotation of Office
of Chairman of
the Commission

5 (a) Ogun,

6 (b) Lagos,

7 (c) Ondo,

8 (d) Oyo,

9 (e) Osun,

10 (f) Ekiti.

11 5.-(1) notwithstanding the provisions of section 3 of this Act, a
12 person shall cease to hold office as a member of the Board if-

Cessation of
Membership of
the Board

13 (a) he becomes bankrupt, suspends payment or compounds with
14 his creditors;

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

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

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

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

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

26 (3) Where a vacancy occurs in the membership of the Board, it
27 shall be filled by the appointment of a successor to hold office for the
28 remainder of the term of office of his predecessor, so however, that the
29 successor shall represent the same interest and shall be appointed by the
30 President, Commander-in-Chief of Armed Forces subject to the

1 confirmation of the Senate.

Allowances
of Members

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

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

Functions and
Powers of the
Commission

5 7.-(1) The Commission shall-

6 (a) formulate policies and guidelines for the development of the South
7 West;

8 (b) conceive, plan and implement, in accordance with set rules and
9 regulations, projects and programmes for the sustainable development of the
10 South West in the field of roads, education, health facilities, employment,
11 industrialization, agriculture, housing and urban development, water supply,
12 electricity and commerce;

13 (c) prepare master plans and schemes designed to promote the
14 physical development of the South West and the estimate of the cost of
15 implementing such master plans and schemes;

16 (d) implement all the measures approved for the development of the
17 South West by the Federal Government and the member States of the
18 Commission;

19 (e) identify factors inhibiting the development of the South West and
20 assist the member states in the formulation and implementation of policies to
21 ensure sound and efficient management of the resources of the South West;

22 (f) Conceive, conceptualize, plan and implement, in accordance with
23 set rules and regulations, project and programmes for the sustainable
24 development of the South West area in the field of receiving and management
25 of fund from allocation or the Federation and Donor funds for the development
26 of educational infrastructure and other developmental challenges.

27 (g) Cause the South West area to be surveyed in order to ascertain
28 measures which are necessary to promote its physical and socio-economic
29 development;

30 (h) Assess and report on any project being funded or carried out in the

1 South West area for the purpose of development;

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

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

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

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

Powers of the
Board

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

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

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

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

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

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

24 **PART III - STRUCTURE OF THE COMMISSION**

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

Establishment
of Directorates

27 (a) the Directorate of Administration, Human Resources and man
28 power Development;

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

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

- 1 (d) the Directorate of Finance and Supplies;
- 2 (e) the Directorate of Agriculture and Rural Development,
- 3 (f) the Directorate of Planning, Research, Statistics and Management
- 4 Information system;
- 5 (g) the Directorate of Legal Services and Corporate Affairs;
- 6 (h) the Directorate of Education, Health and Social Services;
- 7 (i) the Directorate of Commercial and Industrial Development; and
- 8 (j) the Directorate of Projects Monitoring and Supervision.
- 9 (2) The Board may increase the number of Directorates as it may
- 10 deem necessary.

Establishment
of the Management
Committee

11 **10.** There shall be for the Commission a management Committee
12 which shall-

- 13 (a) consist of a Chairman who shall be the Managing Director, the
- 14 Executive Directors, the Directors responsible for the Directorates under
- 15 section 9 of this Act and such number of other members as may be determined
- 16 from time to time;
- 17 (b) be responsible to the Board and the Managing Director for the
- 18 general administration of the Commission.

Establishment
and Membership
and Functions
of the South
West Development

19 **11.-(1)** There is hereby established for the Commission, South West
20 Development Advisory Committee (in this Act referred to as "the Advisory
21 Committee") which shall consist of-

- 22 (a) the Governors of the member states of the Commission; and
- 23 (b) two other persons as may be determined, from time to time, by the
- 24 President, Commander-in-Chief of the Armed Forces.

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

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

Appointment
of Executive
Secretary, etc.

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

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

1 two Executive Directors who shall-

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

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

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

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

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

11 (b) for keeping the books and proper records of the proceedings of
12 the Board; and

13 (c) for-

14 (i) the administration of the Secretariat of the Board, and

15 (ii) the general direction and control of all other employees of the
16 chairman.

17 (3) The Board shall have to-

18 (a) employ either directly or on secondment from any civil or
19 public service, in the Federation or a State such number of employees as
20 may, in the opinion of the Board, be required to assist the Board in the
21 discharge of any of its functions under this Act; and

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

24 13.-(1) Service in the Commission shall be approved service for
25 the purposes of the Pension Act.

Service in the
Commission to
be pensionable

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

29 (3) Nothing in subsections (1) and (2) of this Section shall prevent
30 the appointment of a person to any office on terms which preclude the grant

1 of pension and gratuity in respect of that office.

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

7 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

8 14.-(1) The Commission shall establish and maintain a fund from
9 which shall be defrayed all expenditure incurred by the Commission.

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

12 (a) from the Federal Government, the equivalent of 15 percent of the
13 total monthly statutory allocations due to the member States of the
14 Commission from the Federation Account; this being the contribution of the
15 Federal Government to the Commission;

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

18 (c) two percent of the total annual budget of companies operating in
19 the South west;

20 (d) such monies as may from time to time, be granted or lent to or
21 deposited with the Commission by the Federal or a state Government, any
22 other body or institution whether local or foreign;

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

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

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

30 (a) specifying the manner in which the assets or the fund of the

1 Commission are to be held, and regulating the making of payments into and
2 out of the fund; and

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

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

Expenditure of
the Commission

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

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

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

14 (d) the payment for all purchases; and

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

17 16.-(1) The Commission may accept gifts of land, money or other
18 property on such terms and conditions; it may be specified by the person or
19 organization making the gift.

Gifts to the
Commission

20 (2) The Commission shall not accept any gift if the conditions
21 attached by the person or organisation making the gift are inconsistent with
22 the functions of the Commission under this Act.

23 17. The Commission may, with the consent of the President,
24 Commander-in-Chief of the Armed Forces, borrow, on such terms and
25 conditions as the Commission may require in the exercise of its functions
26 under this Act.

Power to borrow
money

27 18.-(1) The Board shall, not later than 30th September in each year,
28 submit to the President, Commander-in-Chief of the Armed Forces an
29 estimate of the expenditure and income of the Commission during the next
30 succeeding year.

Annual Estimates
and Expenditure

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

Quarterly Report

6 **19.** The Commission shall, at the end of every quarter in each year,
7 submit to the President Commander-in-Chief of the Armed Forces a report on
8 the activities and administration of the Commission.

Annual Report

9 **20.** The Board shall prepare and submit to the President, Commander-
10 in-Chief of the Armed Forces, not later than 30th June in each year, a report in
11 such form as the President, Commander-in-Chief of the Armed Forces, may
12 direct on the activities of the Commission during the immediately preceding
13 year, and shall include in the report a copy of the audited accounts of the
14 Commission for that year and the auditor's report thereon.

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

19 **PART VI - MISCELLANEOUS PROVISION.**

Establishment
of Monitoring
Committee

20 **21.**-(1) There is hereby established for the Commission a monitoring
21 Committee which shall consist of such number of persons as the President,
22 Commander-in-Chief of the Armed Forces may deem fit to appoint from the
23 Public or Civil Service of the Federation.

24 (2) The Monitoring Committee shall-

25 (a) monitor the management of the funds of the Commission and the
26 implementation of the projects of the Commission; and

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

1 Director or by sending it by registered post and addressed to the Managing
2 Director at the principal office of the Commission.

Restriction on
Execution against
Property of the
Commission

3 26.-(1) In any action or suit against the Commission, no execution or
4 attachment of process against the Commission unless not less than three
5 months' notice of the intention to execute or attachment has been given to the
6 Commission.

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

Indemnity of
Officers

11 27. A member of the Board, the Managing Director, any officer or
12 employee of the Commission shall be indemnified out of the assets of the
13 Commission against any proceeding, whether civil or criminal, in which
14 judgment is given in this favour or in which he is acquitted, if any such
15 proceeding is brought against him in his capacity as a member of the Board, the
16 Managing Director, officers or employee of the Commission.

Regulations

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

Interpretation

20 29. In this Act, unless the context otherwise requires-
21 "Chairman" means the Chairman of the Board;
22 "Commission" means the South West Development Commission established
23 by section 1 of this Act;
24 "Board" means the Governing Board established for the Commission under
25 section 2 (1) of this Act;
26 "Member" means a member of the Board and includes the Chairman,
27 Managing Director and Executive Directors;
28 "Member States" include Lagos, Ogun, Ondo, Oyo, Osun, Ekiti States; and
29 "President" means the President of the Federal Republic of Nigeria.

1 (b) a defect in the appointment of a member of the Board or
2 Committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South West 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 and industrial potentials of the South West and for the overall educational development as well as environmental degradation of the South West.