

A BILL

FOR

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

Sponsored by Senator Jibrin Barau

[] Commencement

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

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

3 1.-(1) There is hereby established a body to be known as the North
4 West Development Commission (in this Act referred to as "the
5 Commission"). Establishment
of the North 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 Kano, Kano State
11 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
if Government
Council of the

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

4 (i) Kano,

5 (ii) Kaduna,

6 (iii) Katsina,

7 (iv) Kebbi,

8 (v) Jigawa,

9 (vi) Sokoto, and

10 (vii) Zamfara,

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

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

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

14 (f) two Executive Directors;

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

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

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

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

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

Tenure of office

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

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

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

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

Rotation of Office
of Chairman of
the Commission

7 (a) Kano,

8 (ii) Kaduna,

9 (iii) Katsina,

10 (iv) Kebbi,

11 (v) Jigawa

12 (vi) Sokoto and

13 (vii) Zamfara.

14 5.-(1) notwithstanding the provisions of section 3 of this Act, a
15 person shall cease to hold office as a member of the Board if-

Cessation of
Membership of
the Board

16 (a) he becomes bankrupt, suspends payment or compounds with
17 his creditors;

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

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

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

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

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

29 (3) Where a vacancy occurs in the membership of the Board, it
30 shall be filled by the appointment of a successor to hold office for the

1 remainder of the term of office of his predecessor, so however, that the
2 successor shall represent the same interest and shall be appointed by the
3 President, Commander-in-Chief of Armed Forces subject to the confirmation
4 of the Senate.

Allowances of
Members

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

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

Functions and
Powers of the
Commission

8 7.-(1) The Commission shall-

9 (a) formulate policies and guidelines for the development of the North
10 West;

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

16 (c) prepare master plans and schemes designed to promote the
17 physical development of the North West and the estimate of the cost of
18 implementing such master plans and schemes;

19 (d) implement all the measures approved for the development of the
20 North West by the Federal Government and the member States of the
21 Commission;

22 (e) identify factors inhibiting the development of the North West and
23 assist the member states in the formulation and implementation of policies to
24 ensure sound and efficient management of the resources of the North West;

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

30 (g) Cause the North West area to be surveyed in order to ascertain

1 measures which are necessary to promote its physical and socio-economic
2 development.

3 (h) Assess and report on any project being funded or carried out in
4 the North West area for the purpose of development.

5 (i) Tackle ecological and environmental problems that arise from
6 the soil erosion problems and other related environmental challenges in the
7 North West and advice the Federal Government and the member states on
8 the prevention and control of the erosion and environmental challenge.

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

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

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

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

16 (b) make rules and regulations for carrying out the functions of the
17 Commission;

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

20 (d) pay the staff of the Commission such remuneration and
21 allowances as appropriate;

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

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

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

28 **9.**-(1) There shall be established in the Head Office of the
29 Commission, the following Directorates-

30 (a) the Directorate of Administration, Human Resources and man

Powers of the
Board

Establishment
of Directorates

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

Establishment
of the Management
Committee

14 **10.** There shall be for the Commission a management Committee

15 which shall-

16 (a) consist of a Chairman who shall be the Managing Director, the

17 Executive Directors, the Directors responsible for the Directorates under

18 section 9 of this Act and such number of other members as may be determined

19 from time to time;

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

21 general administration of the Commission.

Establishment
and Membership
and Functions
of the North West
Development

22 **11.**-(1) There is hereby established for the Commission, North West

23 Development Advisory Committee (in this Act referred to as "the Advisory

24 Committee") which shall consist of-

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

26 (b) two other persons as may be determined, from time to time, by the

27 President, Commander-in-Chief of the Armed Forces.

28 (2) The Advisory Committee shall be charged with the responsibility

29 of advising the Board on the activities of the Commission.

1 (3) The Advisory Committee may make rules regulating its own
2 proceedings.

3 PART IV - STAFF OF THE COMMISSION.

4 12.-(1) There shall be for the Commission, a Managing Director,
5 and two Executive Directors who shall-

Appointment of
Executive
Secretary, etc.

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

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

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

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

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

15 (b) for keeping the books and proper records of the proceedings of
16 the Board; and

17 (c) for-

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

19 (ii) the general direction and control of all other employees of the
20 chairman.

21 (3) The Board shall have to-

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

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

28 13.-(1) Service in the Commission shall be approved service for
29 the purposes of the Pension Act.

Service in the
Commission to
be pensionable

30 (2) The officers and other persons employed in the commission

1 shall be entitled to pensions, gratuities and other retirement benefits as are
2 enjoyed by persons holding equivalent grades as appropriate.

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

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

11 PART V - FINANCIAL PROVISIONS

Fund of the
Commission

12 **14.**-(1) The Commission shall establish and maintain a fund from
13 which shall be defrayed all expenditure incurred by the Commission.

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

16 (a) from the Federal Government, the equivalent of 15 percent of the
17 total monthly statutory allocations due to the member States of the
18 Commission from the Federation Account; this being the contribution of the
19 Federal Government to the Commission;

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

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

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

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

29 (3) The Fund shall be managed in accordance with the rules made by
30 the Board, and without prejudice to the general of the power to make rules

1 under this subsection, the rules shall in particular contain provisions-

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

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

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

Expenditure of
the Commission

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

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

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

16 (d) the payment for all purchases; and

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

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

Gifts to the
Commission

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

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

Power to borrow
money

29 **18.-(1)** The Board shall, not later than 30th September in each year,
30 submit to the President, Commander-in-Chief of the Armed Forces an

Annual Estimates
and Expenditure

1 estimate of the expenditure and income of the Commission during the next
2 succeeding year.

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

Quarterly Report

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

Annual Report

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

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

21 PART VI - MISCELLANEOUS PROVISION.

Establishment
of Monitoring
Committee

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

26 (2) The Monitoring Committee shall-

27 (a) monitor the management of the funds of the Commission and the
28 implementation of the projects of the Commission; and

29 (b) have access to the books of accounts and other records of the
30 Commission at all times, and submit periodical reports to the President,

1 Commander-in-Chief of the Armed Forces.

2 22.-(1) For the purposes of providing offices and premises
3 necessary for the performance of its functions under this Act, the
4 Commission may, subject to the land use Act-

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

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

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

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

16 24.-(1) Subject to the provisions of this Act, the provisions of the
17 Public Officers Protection Act shall apply in relation to any suit instituted
18 against any Officer or employee of the Commission.

19 (2) Notwithstanding anything contained in any other law or
20 enactment, no suit shall lie against any member of the Board, the Managing
21 Director or any other officer or employee of the Commission for any act
22 done in pursuance or execution of this Act or any other law or enactment, or
23 of any alleged neglect or default in the execution of this Act or such law or
24 enactment, duty or authority, shall lie or be instituted in any court unless-

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

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

29 25. A notice, summons or other document required or authorised
30 to be served upon the Commission under the provisions of this Act or any

Office and Premise
of the Commission
Cap. 202 LFN

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

Limitation of
Suits against
Commission
Cap. 379 LFN

Service of
Documents

1 other law or enactment may be served by delivering it to the Managing Director
2 or by sending it by registered post and addressed to the Managing Director at
3 the principal office of the Commission.

Restriction on
Execution against
Property of the
Commission

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

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

Indemnity of
Officers

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

Regulations

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

Interpretation

21 29. In this Act, unless the context otherwise requires-
22 "Chairman" means the Chairman of the Board;
23 "Commission" means the North West Development Commission established
24 by section 1 of this Act;
25 "Board" means the Governing Board established for the Commission under
26 section 2(1) of this Act;
27 "Member" means a member of the Board and includes the Chairman,
28 Managing Director and Executive Directors;
29 "Member States" include kaduna, Kano , KatsinaKebbi, Jigawa Sokoto and
30 Zamfara States; and

1 "President" means the President of the Federal Republic of Nigeria.

2 30. This Bill may be cited as the North West Development Commission (Establishment etc.) Bill, 2019. Citation

3
4 SCHEDULE

5 *Section 2(4)*

6 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

7 *Proceedings of the Board.*

8 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
9 the Board may make standing orders regulating its proceedings or those of
10 any of its Committees.

11 (2) The Board shall meet whenever it is summoned by chairman is
12 required to do so by notice given to him by not less than 4 other members, he
13 shall summon a meeting of the Board to be held within 14 days from the date
14 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
18 such number of persons as may be determined by the Board and a person
19 shall hold office on the Committee in accordance with the terms of his
20 appointment.

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

23 *Miscellaneous*

24 3.-(1) The fixing of the seat of the Committee shall be
25 authenticated by the signature of the Chairman and the Secretary to the
26 Board.

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

30 (5) The validity of any proceedings of the Board or of a Committee

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

EXPLANATORY MEMORANDUM

This Bill seeks to establish the North 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 North West and for the overall educational development of the educationally disadvantage North West.