

A BILL

FOR

AN ACT TO ESTABLISH THE FAMILIES OF FALLEN SERVICEMEN SUPPORT FUND, 2020 AND FOR RELATED MATTERS

Sponsored by Senator Abba Moro

[] Commencement

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

1 PART 1- ESTABLISHMENT AND COMPOSITION, ETC., OF THE
2 FAMILIES OF FALLEN SERVICEMEN SUPPORT FUND
3 AND MANAGEMENT BOARD, ETC.

4 1.-(1) There is hereby established a fund to be known as the
5 Families of Fallen Servicemen Support Fund (in this Act referred to as "the
6 Fund") into which shall be paid all monies prescribed under this act, and
7 monies received as donations, bequeaths, trusts and contributions for the
8 welfare of Families of members of the armed forces and operatives of other
9 security agencies who die in the line of duty, including combat and non-
10 combat deaths, which Fund shall be operated and managed as provided in
11 this Bill.

Establishment of the Families of Fallen Servicemen Support Fund

12 (2) The Fund shall be a body corporate with perpetual succession
13 and common seal; and may sue or be sued in its corporate name.

14 (3) The Fund shall be located in the Federal Ministry of
15 Humanitarian Affairs and shall not be subject to the direction, control or
16 supervision of any other authority or person in the performance of its
17 function under this Act other than the President of the Federal Republic of
18 Nigeria or such other person or persons as the President may from time to
19 time prescribe.

20 2.-(1) There is hereby established for the management of the Fund,
21 a body to be known as the Families of Fallen Servicemen Support Fund

Establishment of the Families of Fallen Servicemen Support Fund Management Board

1 Management Board (in this Bill referred to as "the Board") which shall, subject
2 to this Bill, have general control of the Fund.

3 (2) The Board shall consist of the following members, that is:

4 (a) A chairman; who shall be appointed by the president, provided that
5 only retired members of the armed forces not below the rank of a Brigadier
6 General or its equivalent in the other security services shall be eligible for
7 appointment as chairman;

8 (b) Two serving representatives who shall not be above the rank of a
9 Brigadier General or below the rank of a colonel or their equivalents from each
10 of the security agencies named under this Bill, provided that no person may be
11 nominated more than once by the security agency he represents;

12 (c) The director of the Veterans Affairs Division in Defence
13 Headquarters;

14 (d) A representative each of (i) the Federal Ministry of Humanitarian
15 Affairs and (ii) the Federal Ministry of Finance;

16 (e) Two representatives of civil society organizations registered to
17 promote the welfare of members of the families of military men who die in the
18 line of duty;

19 (f) Such other persons as the President may appoint along with the
20 Chairman as Board members.

21 (3) The chairman and members of the Board shall be persons of
22 proven integrity, medically fit and hard working.

Tenure of office

23 3.-(1) The chairman and members of the Board and other members
24 nominated from each of their respective agencies or ministries shall hold office
25 for a period of two years, after which their tenure shall expire and stand
26 dissolved.

27 (2) A member of the Board may resign his nomination by a notice in
28 writing requesting his agency or service to replace him, provided that such
29 resignation shall take effect only upon acknowledgement of same by the
30 highest ranking officer of his agency who shall promptly forward to the

1 Minister a replacement of the resigning member.

2 **4.-(1)** A member of the Board shall cease to hold office if:

Cessation of
membership

3 (a). he becomes sick and unable to perform assigned duties;

4 (b). he becomes of unsound mind;

5 (c). he becomes bankrupt or makes a compromise with his
6 creditors;

7 (d). he is convicted of a felony or of any offence involving
8 dishonesty;

9 (e). he is guilty of serious misconduct in relation to his duties; or

10 (f). he ceases to be in the service of the agency that nominated him
11 as a member of the Board.

12 (2) Where a vacancy occurs in the membership of the Board by
13 'virtue of the foregoing paragraphs, the Chairman of the Board or anyone
14 acting on his behalf shall promptly request the agency concerned, Ministry
15 or member of a civil society organization to nominate a replacement to
16 complete the tenure of the person replaced.

17 PART II - FUNCTIONS OF THE BOARD

18 **5.-(1)** The Board shall be responsible for:

Functions of the
Board

19 (a) receiving into a designated account and managing the monies
20 accruing to the Fund;

21 (b). assisting families of fallen servicemen identify economically
22 viable enterprises for income generation and provide technical and financial
23 support for their implementation;

24 (c) enhancing the capacity of widows of fallen servicemen to act as
25 role models to their children through guidance and counseling and public
26 enlightenment programmes;

27 (d) creating, arousing and sustaining the interests of the Federal,
28 State and local governments, the Nigerian public, the cooperate world and
29 the international community on the need to support families of security
30 operatives who die in the line of duty;

1 (e) exercising control over the management of the Fund with a view to
2 ensuring accountability and proper utilisation of the Fund for the purposes set
3 out in this Bill;

4 (f) liaising with Security Agencies, Ministries, Extra-Ministerial
5 Departments, the State and local governments for necessary collaborations
6 towards effective discharge of their duties and for the purpose of achieving the
7 objectives set out in this subsection;

8 (g) entering into contractual agreements for the purpose of building
9 housing and educational facilities in each state of the Federation for the welfare
10 of the widows and kids of fallen servicemen, and such other contractual
11 agreements as may be necessary for the purpose of achieving the objectives set
12 out in this subsection; provided that every such agreement shall contain a
13 clause that it is subject to approval by the joint session of the Economic and
14 Financial Crimes Commission, the Independent Corrupt Practices
15 Commission and the Bureau of Public Procurement;

16 (h) allocating such houses and educational facilities built in the states
17 to families of fallen servicemen, for their welfare and for the advancement of
18 their education free of charge;

19 (i) paying unannounced annual inspection visits to the housing and
20 educational facilities built in each state of the Federation, to keep the facilities
21 in good state of repair for the welfare of the widows and kids of fallen
22 servicemen;

23 (j) carrying out such other activities as are necessary and expedient
24 for the purpose of achieving the objectives set out in this section of this Act;
25 provided that every contractual agreement entered into under this Act shall be
26 submitted to the Economic and Financial Crimes Commission, the
27 Independent Corrupt Practices Commission and the Bureau of Public
28 Procurement for joint review and approval.

29 (2) In every case whenever a contractual agreement is submitted to
30 the Economic and Financial Crimes Commission, the Independent Corrupt

1 Practices Commission and the Bureau of Public Procurement for joint
2 review and approval, the named agencies shall within one month from the
3 date of submission of such agreement forward a Notice of Approval or a
4 Notice of Disapproval to the Board and the Minister.

5 (3) The agencies named in subsection (2) above shall not
6 disapprove any agreement entered by the Board under this Act, unless the
7 cost is found to be unduly inflated, excessive or manifestly fraudulent from
8 all intent and purposes.

9 (4) Where any agreement is disapproved on the grounds stated in
10 subsection (3) of this section, the agencies named in subsection (2) above
11 shall advertise the concerned project in at least one national daily to invite
12 tenders from suitably qualified companies, review the tenders and
13 recommend the most qualified company to the Board, provided the entire
14 shall not exceed 3 months.

15 (5) Where any qualified company is recommended to the Board for
16 the execution of any contractual agreement as prescribed in subsection (4)
17 above, the Board shall within one month of receiving such recommendation
18 sign an agreement with the said company and mobilize it for the execution of
19 the project involved.

20 PART III - APPOINTMENT OF SUPPORT STAFF OF THE FUND

21 **6.** The Chairman shall have power:

Power of the
Chairman

22 (1) to appoint a member of the Board as secretary, and the secretary
23 so appointed shall perform the functions of keeping the records of
24 proceedings and decisions of the Board and such other functions as the
25 Board may, from time to time, direct.

26 (2) to appoint on secondment from any public service in the
27 Federation, not more than 15 employees as may, in the opinion of the Board,
28 be required to assist the Fund in the discharge of any of its functions under
29 this Bill.

30 (3) to pay members of the committee, and such persons as may be

1 appointed in subsection (2) above, monthly allowances not more than 25% of
2 the net amount that the member or person receives as monthly salaries through
3 his or her employer, provided that no civil society organization in the
4 committee shall at any time be paid any amount above the allowance payable to
5 the chairman under this section.

6 PART IV - FINANCIAL PROVISIONS

Sources of Fund

7 7.-(1) There shall be paid and credited to the Fund established by this
8 Bill:

9 (a) all monies accruing to the Fund by virtue of subsection (1) of
10 section 1 of this Bill;

11 (b) aggregates of 1% of the total annual revenue realized by the
12 Nigeria National Petroleum Commission on or before the so" day of January of
13 the following year;

14 (c) aggregates of 1% of the total annual revenue realized by the
15 Federal Inland Revenue Service on or before the so" day of January of the
16 following year;

17 (d) annual subventions as may be received from the Federal
18 Government;

19 (e) such money as may, from time to time, be lent, deposited with or
20 granted to the Fund by the Government of the Federation, of a State or local
21 government;

22 (f) all other assets which may, from time to time, accrue to the Fund.

23 (2) The Fund shall not be managed in any other way apart from the
24 ways prescribed under this Bill.

25 (3) The Board may, from time to time, apply the proceeds of the Fund
26 for the following purposes:

27 (a) the annual administrative cost of running the Board as approved
28 by the Minister; provided that members of the Board (including the Chairman)
29 shall not be paid anything out of the Fund, apart from their Duty Tour
30 Allowances as prescribed by the Financial Regulations, provided also that the

1 Board shall maintain its office within the Office Complex of the Ministry of
2 Humanitarian Affairs and shall not procure more than two buses every four
3 years for their movements within the Federal Capital Territory; the payment
4 of Duty Tour Allowances and such other allowances as may be prescribed
5 under section 7(3) of this Bill.

6 **8.**-(1) The Board may accept gifts of land, money or other Power to accept
7 gifts
7 properties upon such terms and conditions, if any, as may be specified by the
8 person or organisation making the gift.

9 (2) The Board shall not accept any gift if the condition attached by
10 the person or organisation making the gift are inconsistent with the
11 objectives of the Fund under this Bill.

12 **9.**-(1) The Board shall be exempted from the payment of income Exemption from
13 tax
13 tax on any income accruing to the Fund from the sources prescribed under
14 this Bill.

15 (2) The provisions of any enactment relating to the taxation of
16 companies, trust funds or support funds shall not apply to the Board or the
17 Fund.

18 **10.** The Board shall not later than 31 October submit to the Budget
19 Minister for approval an estimate of its expenditure and income during the
20 next succeeding year.

21 **11.**-(1) When any member of the security agencies named in the Empowerment
22 Benefits
22 interpretation section of this Bill dies a combat death, the Board shall pay the
23 spouse the sum of N5,000,000.00 (Five Million Naira only) and shall
24 counsel her on such entrepreneurship programmes that will enable her to
25 invest the sum profitably for the welfare of the children left behind by the
26 deceased.

27 (2) When any member of the security agencies named in the
28 interpretation section of this Bill dies a non-combat death, the Board shall
29 pay the spouse the sum of N2,000,000.00 (Two Million Naira only) and shall
30 counsel her on such entrepreneurship programmes that will enable her to

1 invest the sum profitably for the welfare of the children left behind by the
2 deceased.

Housing Benefits

3 **12.**-(1) When any member of the security agencies named in the
4 interpretation section of this Bill dies, whether in combat situation or not, the
5 spouse and surviving children registered under the National Health Insurance
6 Scheme Policy (NHIS) shall be allocated apartments in the Housing Estates
7 built in their respective states until the youngest child attains the age limit
8 prescribed under the NHIS scheme.

9 (2) Where any spouse or children of a deceased serviceman refuse to
10 vacate the allocated apartment upon the youngest attaining the age limit
11 prescribed under the NHIS Scheme as required in subparagraph (1) above, the
12 educational benefits of the surviving children shall be cancelled forthwith, and
13 the Board shall have the power to cancel the allocation and eject the occupiers
14 as soon as the apartment is allocated to other beneficiaries.

Health Benefits

15 **13.**-(1) When any member of the security agencies named in the
16 interpretation section of this Bill dies, whether in combat situation or not, his or
17 her National Health Insurance Scheme Account shall be transferred from the
18 security agency concerned to the Fund, and shall be payable by the Board until
19 all the registered beneficiaries reach the statutory age limit where they may no
20 longer be able to enjoy the health insurance package.

21 (2) As soon as all the beneficiaries of the health insurance under the
22 foregoing subsection attains the age limit prescribed by the Health Insurance
23 Bill, the Board shall terminate the payment of all charges due on the account of
24 the deceased principal, and the surviving beneficiaries shall no longer be able
25 to access services under the scheme unless on personal subscription.

Educational
Benefits

26 **14.**-(1) When any member of the security agencies named in the
27 interpretation section of this Bill dies, whether in combat situation or not, the
28 surviving children registered under the National Health Insurance Scheme
29 who shall enjoy free education from primary to tertiary institution on the bills
30 of the Fund or on such tuition free education policy as may be declared by the

1 Federal and State Governments for families of fallen servicemen.

2 (2) For the purpose of subsection (1) of this section, the Board shall
3 verify and maintain an updated database of the surviving children registered
4 under the National Health Insurance Scheme as forwarded from time to time
5 by the security agencies named in this Bill, and whenever any such child
6 gains admission into any State University, Federal University or any other
7 tertiary institution of learning in the country, the institution concerned shall
8 grant free accommodation and free tuition education status to the child upon
9 the tendering of a Letter of Introduction from the Board. The Board shall
10 also pay a designated allowance to the child for every academic year until he
11 or she graduates.

12 (3) As soon as any beneficiary of the free education policies under
13 subsection (1) above completes his or her compulsory National Youth
14 Service with nothing less than Second Class Lower Division or Upper
15 Credit for Higher National Diploma graduates shall be given special
16 consideration above other applicants in any employment or recruitment
17 exercise they may apply.

18 **15.**-(1) The Board shall cause to be prepared not later than so"
19 September in each year an estimate of the expenditure and income of the
20 Fund during the next succeeding year and when prepared, they shall be
21 submitted to the Minister for approval.

Annual Estimates,
Accounts and
Audits

22 (2) The Board shall cause to be kept proper accounts of the Fund
23 and proper records in relation thereto, and such accounts shall on yearly
24 basis be audited by auditors appointed by the Auditor-General of the
25 Federation and the audit report shall be forwarded to the Economic and
26 Financial Crimes Commission, the Independent Corrupt Practices
27 Commission and the Bureau of Public Procurement within one month of the
28 audit.

29 **16.** The Board shall, notwithstanding the provision of section 17 of
30 this Act and at the end of every three months, submit to the Minister a report

Quarterly Report

1 on its activities and administration of the Board in relation to the Fund.

Annual Report

2 **17.** The Board shall not later than three months before the end of each
3 year, submit to the Minister a report on the activities and the administration of
4 the Board in relation to the Fund during the immediately preceding year and
5 shall include in such reports the auditor's report thereon.

6 PART V - OFFENCES AND PUNISHMENTS

Offences and
Punishments

7 **18.**-(1) The Chairman or any member of the Board who violates the
8 provision of section 5(1)(g)-(j) or section 19(10) of this Bill, commits an
9 offence, and shall upon conviction be liable to life imprisonment.

10 (2) The Chairman or any member of the Committee who violates the
11 provisions of section 6(3) or section 7(2) and (3) of this Bill, commits an
12 offence, and shall upon conviction be liable to life imprisonment.

13 (3) The Chairman or any member of the Board who conspires with
14 any authority or person to contravene any provisions of this Bill or any other
15 law in relation to the Fund, commits an offence, and both the Chairman or
16 Board member shall along with that other authority or person be liable upon
17 conviction to life imprisonment.

18 (4) Any Chairman of NNPC or Director of Federal Inland Revenue
19 Service who fails to remit the statutory sum prescribed in section 7(1)(b) and
20 (c) of this Act respectively on or before the due date, commits an offence, and
21 shall upon conviction be liable to 7 years imprisonment without an option of
22 fine. In addition, whether or not a charge is filed against the offender, it shall be
23 illegal for him to continue in that office beyond the due date, and any member
24 of the public or civil society organization may approach the Court to declare his
25 office vacant and order the Federal Government to replace him.

26 (5) Where members of the joint committee of agencies named under
27 section 5(1)(g) - (j) of this Act fail to adhere strictly to the provisions of sections
28 5(2), (3) and (4) without any tenable excuse or due to certain personal or
29 fraudulent gains, they shall all be guilty of an offence and liable upon
30 conviction to 7 years imprisonment each without an option of fine.

1 (6) Where any member of the armed forces or other security
2 operatives defects or abandons his duty post to fake his capture or death in a
3 bid to enable his family obtain the benefits provided under this Bill, he
4 commits an offence, and is liable upon conviction:

5 (i) to life imprisonment if no fatalities were recorded in the
6 operation or combat that led to his defection, provided he was not found to
7 be in contact with any member of his family is before he was found;

8 (ii) to death, if fatalities were recorded in the operation that led to
9 his defection, or if he was subsequently found to be in contact with any
10 member of his family after his defection.

11 (7) The provisions of section 416(2)(e) of the Administration of
12 Criminal Justice Act shall not apply to absolve any offender under this Bill
13 from maximum punishment, whether or not he is a first time offender.

14 PART VI - MISCELLANEOUS

15 **19.-(1)** Subject to this Act and section 27 of the Interpretation Act,
16 the Board may make standing orders regulating its proceedings or those of
17 any of its ad-hoc Boards.

Proceedings of
the Board

18 (2) The quorum of the Board shall be the chairman and at least six
19 other members, and the quorum of any ad-hoc Board shall be determined by
20 at the meeting where the ad-hoc Committee is set up.

21 (3) The Board shall meet not less than two times in a month, and at
22 such other time as may be determined the Chairman.

23 (4) The Chairman shall preside at all the meetings of the Board. But
24 if he is absent, the members present at the meeting shall appoint one of the
25 members present to preside at that meeting.

26 (5) Where the Board desires to obtain the advice of any person on a
27 particular matter, the Board may co-opt him to the Board for such period as it
28 thinks fit; but a person who is in attendance by virtue of this subparagraph
29 shall not be entitled to vote at any meeting of the Board and shall not count
30 towards a quorum.

1 (6) The Board may set up one or more committee to carry out, on
2 behalf of Board, such of its functions as the Board may determine.

3 (7) A committee appointed under this section shall consist of such
4 number of persons as may be determined by the Board, and no decision of a
5 committee shall be of any effect until it is confirmed by the Board.

6 (8) The validity of any proceeding of the Board or of a committee
7 thereof shall not be adversely affected by any vacancy in the membership of the
8 Board or committee, or by any defect in the appointment of a member of the
9 Board or of a Board, or by reason that a person not entitled to do so took part in
10 the proceedings of the Board or committee.

11 (9) The fixing of the seal of the Fund shall be authenticated by the
12 signature of the chairman or of any other person authorized generally or
13 specially to act for that purpose by the Board.

14 (10) No contract shall be entered into or executed by the Chairman or
15 any member of the Board on behalf of the Fund, and no money shall be
16 disbursed for the execution of any such contracts unless the approval of the
17 joint Committee of the agencies named in section 5(l)(g) and (j) of this Act is
18 first had and obtained by the Board.

19 (11) Any document purporting to be a document duly executed under
20 the seal of the Fund shall be received in evidence and shall, unless and until the
21 contrary is proved, be presumed to be so executed.

Power of the
President to give
directives

22 **20.** Subject to the provisions of this Bill, the President may give to the
23 Board such directives of a general nature with regard to the exercise by the
24 Board of its functions under this Bill and it shall be the duty of the Board to
25 comply with the directives.

Interpretation

26 **21.** In this Bill, unless the context otherwise requires:
27 "Minister" means the Minister of Humanitarian Affairs;
28 "Ministry" means the Ministry of Humanitarian Affairs
29 "Fund" means the Families of Fallen Servicemen Support Fund established by
30 section 1 of this Bill;

1 "Board" means the Families of Fallen Servicemen Support Fund Board
2 established by section 2 of this Bill;

3 "Chairman" means the chairman appointed under section 2 (3) of this Bill;

4 "Secretary" means the secretary to the Board appointed under section 7 of
5 this Bill;

6 "Security agencies" means the Army, Navy, Air Force, Police, Civil
7 Defence Corps, Customs, Immigration, the Drug Law Enforcement
8 Agency, and the Correctional Service;

9 "Families of Fallen Servicemen" means families of any member of the
10 security agencies named under this Bill;

11 "Combat death" means death in the course of an official assignment or
12 deployment, whether through fire power or not, provided that a soldier or
13 other security operative whose body is not found after a combat operation or
14 an attack on his contingent in which heavy fatalities were recorded would
15 for the purposes of this Bill be presumed dead if his whereabouts remains
16 unknown for more than three months after he went missing;

17 "Non-combat death" means death as a result of natural illness motor
18 accidents, poisoning or such other deaths that are not directly related to the
19 line of duty.

20 **22.** This Bill may be cited as the Families of fallen Servicemen Citation
21 Support Fund Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Families of Fallen Servicemen Support Fund and to enhancing the capacity of widows of fallen servicemen to act as role models to their children through guidance and counseling and public enlightenment programmes.