

*Extraordinary*



# National Assembly Journal

**No. 18**

**Abuja - 15th July, 2019**

**Vol. 16**

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Printed and Published by the National Assembly Press, Abuja, Nigeria

**NASSP 18/157/2019/900**

Subscribers who wish to obtain the Journal after 1st January should apply to the Clerk, National Assembly, Abuja for amended Subscriptions.



FOR

*Sponsored by Hon. Gideon L. Gwani*

[ ] Commencement

1 PART 1 - ESTABLISHMENT OF THE NATIONAL CENTRE FOR WOMEN  
2 DEVELOPMENT

3	1.-(1) There is hereby established a body to be known as the	Establishment
4	National Centre for Women Development (in this Act referred to as "the	of the National
5	Centre").	Centre for Women Development

6 (2) The Centre shall-

7 (a) be a body corporate with perpetual succession;

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

9 (c) may acquire, hold, and dispose of property whether moveable

10 or immoveable.

(3) The Centre shall be located in the Federal Capital Territory, Abuja and shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions under this Act other than the President through the Federal Ministry of Women Affairs.

15                   **2.-(1)** There is hereby established for the management of the affairs                   Establishment  
16       of the Centre, a governing Board to be known as the National Centre for                   of the Governing  
17       Women Development Board (in this Act referred to as "the Board") which                   Board of the Centre  
18       shall, subject to this Act, provide the general policy guidelines for the  
19       execution of the function of the Centre.

	1	(2) The Board shall consist of:
	2	(a) A Chairman;
	3	(b) One person to represent the Federal Ministry of Women Affairs;
	4	(c) Six persons drawn from the six geo-political zones with
	5	experience in gender education and administration;
	6	(d) The Director General of the Center.
	7	(3) The Chairman and members of the Board shall be appointed by the
	8	President on the recommendation of the Honourable Minister.
Schedule	9	(4) The supplementary provisions set out in the schedule to this Act
	10	shall have effect with respect to the proceedings of the Board and the other
	11	matters contained therein.
Tenure of office	12	<b>3.</b> -(1) (a) The Chairman and other members of the Board appointed
	13	under section 2(2)(a) and (b) of this Act shall hold office for a period of 3 years
	14	in the first instance and may be eligible for re-appointment for a further period
	15	of 3 years and no more;
	16	(b) on such terms and conditions as may be specified in her letter of
	17	appointment.
	18	(2) The members of the Board shall be paid such remuneration and
	19	allowances as the President may, from time to time, determine.
	20	(3) A member of the Board other than an ex-officio member may
	21	resign his appointment by a notice in writing under his hand, addressed to the
	22	President through the Honourable Minister, shall take effect only upon
	23	acknowledgment by the President.
Cessation of Membership	24	<b>4.</b> -(1) A member of the Board shall cease to hold office if-
	25	(a) he becomes of unsound mind;
	26	(b) he becomes bankrupt or makes a compromise with his creditor;
	27	(c) he is convicted of a felony or of any offence involving dishonesty;
	28	(d) he is guilty of serious misconduct in relation to his duties; or
	29	(e) his interests and duties as a member of the Board are in conflict or
	30	inconsistent with his position or of the Board;

1 (f) he resigns his appointment by a letter addressed to the President;

2 (g) liaise with national regional and international agencies  
3 involved in women development programmes.

4 (2) The Chairman and members of the Board shall be appointed by  
5 the President on the recommendation of the Honourable Minister.

6 (3) The supplementary provisions set out in the schedule to this Act  
7 shall have effect with schedule respect to the proceedings of the Board and  
8 the other matters contained therein.

9 **5.-(1)** Notwithstanding the provisions of subsection (2) of this Function of the  
10 section, the Board shall be responsible for- Board

11 (a) The review of the implementation of policy decisions;

12 (b) designing developmental programmes and activities for the  
13 advancement of women;

14 (c) approving the management budget and the appointment of staff  
15 for the Centre;

16 (d) convening meetings for the purpose of disseminating  
17 information on the activities of the Centre;

18 (e) Generally ensuring effective planning, running and success of  
19 the Centre in its bid to promote and develop the advancement of women in  
20 Nigeria;

21 (f) Developing controlling and maintaining buildings and facilities  
22 in the Centre in good condition fit for the purpose they were established;

23 (g) acquire, hold and manage moveable or immoveable property in  
24 and outside Abuja with the approval of the Honourable Minister;

25 (h) let or lease any property vested in the Centre;

26 (i) invest its funds in Federal Government bonds and similar  
27 securities as it thinks fit;

28 (j) do anything which in its opinion is calculated to facilitate the  
29 carrying out of its functions; and

30 (k) carrying out such other activities as are necessary and expedient

1 to the purpose of achieving the objectives set out in this section of this Act.

2 (2) The Board shall also have power to carry out such activities as may  
3 appear to it to be incidental or conducive to the attainment of its objects under  
4 this Act.

5 (3) The Board shall, from time to time, assess the research  
6 consultancy and training programmes relative to productivity and  
7 improvement conducted by the Center in collaboration with State Ministries of  
8 Women Affairs and other associated institution with the view to ascertaining  
9 their suitability to offering them assistance either alone or in co-operation with  
10 other professional bodies as may prove the quality and content of productivity  
11 and promotion measures for women in Nigeria.

12 (4) The Board may, subject to such conditions as it may impose,  
13 delegate any of the powers conferred on it by this Act (including power to  
14 appoint and exercise disciplinary control) to any of its committees or the  
15 Director General of the Centre, as the case may be.

16 (5) Nothing in this section shall preclude the Board from exercising  
17 any of the powers delegate pursuant to subsection (4) of this section.

18 PART II - STAFF OF THE CENTRE

Appointment  
of the Director-  
General of the  
Centre

19 6.-(1) There shall be appointed by the President for the Centre on the  
20 recommendation of the Ministry, a Director - General who shall-

21 (a) be the Chief executive and accounting officer of the Centre;

22 (b) have such qualification with wide knowledge and experience in  
23 gender matters and administration as are appropriate for a person required to  
24 perform the functions of that office under this Act, and

25 (c) hold office for a period of four years in the first instance and may  
26 be eligible for re-appointment for a further period of four years and no more.

27 (2) The Director General shall, subject to the General direction of the  
28 Centre and the Board be responsible-

29 (a) For the day, to day administration of the Centre;

30 (b) For keeping the books and proper records of the proceedings of the

1 Centre and the Board; and

2 (c) The general direction and control of all other employees of the  
3 Centre subject to the directives of the Board and Chairman in accordance to  
4 the conditions of service of the Center and Public Service, Rules and  
5 Regulation.

6 (3)The Centre shall have power to-

7 (a) employ either directly or on secondment from any civil or  
8 public service in the Federation such number of employees as may, in the  
9 opinion of the Board be required to assist the Centre in the discharge of any  
10 of its functions under this Act, and

11 (b) pay to persons so employed such remuneration (including  
12 allowances) as prescribed by the Federal government.

13 7.-(1) Service in the Centre shall be approved service for purposes  
14 of the Service in the Pensions Act and the New Pensions Reform Scheme.

Service in the  
Centre to be  
Pensionable  
Cap. 346 LFN

15 (2)Employees of the Centre shall be entitled to pensions, gratuities  
16 and other retirement benefits as enjoyed by persons holding equivalent  
17 grades in the civil service of the Federation, in accordance to the New  
18 Pensions Reform Act.

19 8.-(1) If it appears to the Board that a member of the Board (other  
20 than an ex-officio member) or the Director-General should be removed from  
21 office on the grounds of misconduct or inability to perform the functions of  
22 his office, the Board shall make a recommendation to that effect to the  
23 President through the Minister, and if the President, approves the  
24 recommendation, he shall, in writing, declare the office of such member or  
25 the Director General vacant.

Removal from  
office of member  
of the Board and  
Director-General

26 (2) Without prejudice to subsection (1) of this section-

27 (a) any member who is absent from two consecutive ordinary  
28 meetings of the Board shall file his explanation in writing with the Secretary  
29 for consideration by the Board and if the explanation is not accepted, the  
30 Board shall recommend to the Minister that the member be removed from

1 office and the Minister may declare, in writing, the office of the member  
2 vacant;

3 (b) where the Board is satisfied that the continued presence on the  
4 Board of any member is not in the national' interest or the interest of the Centre  
5 the Board may recommend to the Minister that the member be removed from  
6 office and the Minister May declare, in writing, the office of that member  
7 vacant.

8 9.-(1) If it appears to the Board that there are reasons for believing that  
9 any person employed as a member of the senior staff of the Centre other than  
10 the Director -General, should be removed from office on grounds of  
11 misconduct or inability to perform the functions of his office the Board shall-

12 (a) give a notice of those reasons to the person concerned;

13 (b) afford him an opportunity of making representations in person on  
14 the matter to the Board;

15 (c) if the person concerned or any three members of the Board so  
16 request within the period of one month beginning with the date of the notice,  
17 make arrangements;

18 (d) for the appropriate committee of the Board to investigate the  
19 matter and to report on it to the Board, and

20 (e) for the person in question to be afforded an opportunity of  
21 appearing before and being heard by the investigating committee on the matter.

22 (2) If the Board after considering the report of the investigating  
23 committee under subsection (1)(c) of this section is satisfied that the person in  
24 question should be removed from office, the Board may remove the person  
25 concerned by an instrument in writing signed by the Chairman of the Board.

26 (3) The Director General may, in a case of misconduct by a member of  
27 staff which in the opinion of the Director-General is prejudicial to the interest  
28 of the Centre suspend such member and any suspension shall forthwith be  
29 reported to the Board.

30 (4) For good cause, any member of staff may be suspended for office



1 or his appointment may be terminated by the Board and for the purpose of  
2 this subsection "good cause" means:

3 (a) any physical or mental incapacity which the Board, after  
4 obtaining medical advice, considers to render the person concerned unfit for  
5 the discharge of the functions of his office;

6 (b) conduct of a scandalous or other disgraceful nature which the  
7 Board considers to be such as to render the person concerned unfit to  
8 continue to hold his office; or

9 (c) Conduct which the Board considers to be such as to constitute a  
10 failure or inability of the person concerned to discharge the functions of his  
11 office or to comply with the terms and conditions of his office or to comply  
12 with the terms and conditions of his service.

13 (5) Any person suspended pursuant to subsection (3) or (4) of this  
14 section shall be placed on half pay and the Board shall, before the expiration  
15 of a period of three months after the date of such suspension, consider the  
16 case against that person and come to a decision as to-

17 (a) whether to continue such person's suspension and if so, on what  
18 terms (including the proportion of his emoluments to be paid to him);

19 (b) whether to reinstate such person to his office, in which case the  
20 Board shall restore his full emoluments to him with effect from the date of  
21 the suspension;

22 (c) whether to terminate the appointment of the person in question  
23 in which case such as person shall not be entitled to the proportion of his  
24 emolument withheld during the period of the suspension; or

25 (d) whether to take such lesser disciplinary action against such  
26 person (including the restoration of such promotion of his emoluments that  
27 might have been withheld) as the Board may determine, and in any case  
28 where the Board, pursuant to his section, decides to continue a person's  
29 suspension or decides to take further disciplinary action against a person, the  
30 Board shall before the expiration of a period of three months from such

1 decision, come to a final determination in respect of the case concerning any  
2 such person.

3 (6) A person who signs the instrument of removal by virtue of  
4 Subsection (1) of this section shall serve or cause it to be served on the Person  
5 Concerned, a copy of the instrument.

6 (7) Nothing in the foregoing provisions of this section shall Prevent  
7 the Centre from making such regulations for the discipline of other Categories  
8 of staff and workers of the Centre as it may think fit.

Discipline of  
junior staff

9 **10.**-(1) If any junior staff is accused of misconduct or inefficiency, the  
10 Director-General may suspend him for not more than three months and  
11 forthwith shall direct the matter to the appropriate committee-

12 (a) to consider the case; and

13 (b) to make recommendation as to the appropriate action to be taken  
14 by the Director-General.

15 (2) In all cases under this section, the junior staff be informed in  
16 writing of the charges against him and be given reasonable opportunity to  
17 defend himself.

18 (3) The Director-General may, after considering the  
19 recommendations made pursuant to sub-section (1)(b) of this section, dismiss,  
20 terminate, retire or downgrade the junior officer concerned.

21 (4) Any person aggrieved by the Director-General's decision under  
22 subsection (3) of this section, may within a period of 21 days from the date of  
23 the receipt of the letter communicating the decision to him address a petition to  
24 the Board to reconsider his case and the Board's decision thereon shall be final.

#### 25 PART III - FINANCIAL PROVISION

Functions of  
the Centre

26 **11.**-(1) There shall be established and maintained for the Centre a  
27 fund into which shall be paid and credited-

28 (a) all sums accruing to the Centre from the Federal Government or  
29 any other persons or State Government; revenue generated from the Center's  
30 Facilities;

1 (b) all monies accruing to the Centre by way of gifts, loans  
 2 testamentary dispositions, endowments or contributions from philanthropic  
 3 persons or organizations and other international organizations or bodies;

4 (c) all other assets that may from time to time, accrue to the Centre  
 5 such as from fund raising, other sources in the execution of its functions or in  
 6 respect of any property vested in the Centre or otherwise howsoever;

7 (d) foreign aid and assistance from bilateral/multilateral agencies;  
 8 and

9 (e) all other sums which may, from time to time, accrue to the  
 10 Centre.

11 **12.-(1)** The Centre shall, from time to time, apply the funds at its Expenditure by  
 12 disposal to- the Centre

13 (a) the cost of administration and maintenance of the Centre;

14 (b) publicize and promote the activities of the Centre;

15 (c) pay allowance, expenses and other benefits of members of the  
 16 Board and Committee of the Board; and

17 (d) undertake such other activities as are connected with all or any  
 18 of the functions of the Centre under this Act.

19 **13.-(1)** The Centre may engage in fund raising activities provided Power to raise  
 20 that funds shall not be raised outside Nigeria without the prior approval of fund and accept  
 21 the Minister. gifts

22 (2) The Centre may accept gifts of land, money, building, work of  
 23 art, materials or other property connected with its functions under or  
 24 pursuant to this Act within or outside Nigeria on such terms and conditions,  
 25 if any, as may be specified by the person or organization making the gift.

26 (3) The Centre shall not accept any gift if the conditions attached  
 27 by the person or organization making the gift are inconsistent with the  
 28 functions of the Centre under this Act.

29 **14.-(1)** The Centre shall cause to prepare a budget based on the call Annual estimates  
 30 circular for such from the Government. and accounts

	1	(2) The Board shall cause to be kept proper account of the Centre and
	2	proper records in relation thereto and when certified by the Centre the accounts
	3	shall be audited by auditors appointed from the list and in accordance with the
	4	guidelines supplied by the Auditor-General for the Federation.
Annual report	5	<b>15.</b> -(1) The Centre shall not later than 3 months immediately
	6	proceeding the beginning of each year, submit to the Minister, a report on the
	7	activities and administration of the Centre during the immediate proceeding
	8	year and shall include in such reports audited accounts of the Centre and the
	9	auditor's report thereon.
Exemption from tax	10	<b>16.</b> -(1) The Centre shall be exempted from the payment of tax on
	11	any income accruing from investments made by the Centre or
	12	otherwise tax however.
	13	(2) The provisions of any enactment relating to the taxation of
	14	companies or trust funds shall not apply to the Centre or the Board.
Power to borrow	15	<b>17.</b> -(1) The Board may, from time to time, borrow by overdraft or
	16	otherwise such money as the Centre may require for the performance of its
	17	functions under this Act.
	18	(2) The Board shall not, without the approval of the President through
	19	the Minister, borrow money which exceeds, at any time, the limit set by
	20	Government.
	21	(3) Notwithstanding subsection (1) of this section, where the sum to
	22	be borrowed is in foreign currency, the Board shall not borrow the money
	23	without the approval of the President through the Minister.
Investment Cap. 449 LFN	24	<b>18.</b> -(1) The Centre may, subject to the provisions of this Act and the
	25	conditions of any trust created in respect of any property, invest all or any of its
	26	funds in any security prescribed by the Trustee Investments Act or in such other
	27	securities as may, from time to time, be approved by the Minister.
	28	PART IV - LEGAL PROCEEDING
Limitation of suits against the Centre, etc Cap. 379 LFN	29	<b>19.</b> -(1) Subject to the provisions of this Act, the Provisions of the
	30	Public Officers Protection Act shall apply in relation to any suit instituted

1 against an officer or employee of the Centre.

2 (2) Notwithstanding anything contained in any other enactment,  
3 no suit against a member of the Board or the Director-General or any other  
4 officer or employee of the Centre for any act done in pursuance or execution  
5 of this Act or any other enactment or law, or of any public duty or authority in  
6 respect of any alleged neglect or default in the execution of this Act or any  
7 other enactment or law, duty or authority, shall lie or be instituted in any  
8 court unless it is commenced-

9 (a) within three months next after the Act, neglect or default  
10 complained of; or.

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

13 (3) No suit shall be commenced against a member a of the Board or  
14 the Director-General or any other officer or employee of the Centre before  
15 the expiration of a period of one month after written notice of the intention to  
16 commence the suit shall have been served on the Centre by the intending  
17 plaintiff or his agent.

18 (4) The notice referred to in subsection (3) of this section shall  
19 clearly and explicitly state the cause of action, the particulars of the claim,  
20 the name and place of abode of the intending plaintiff and the relief which he  
21 claims.

22 **20.** A notice summons or other document required or authorized to  
23 be served on the Centre under the provisions of this Act or any other  
24 enactment or law may be served by delivering it to the Director-General or  
25 by sending it by registered post addressed to the Director-General at the  
26 principal office of the Centre.

Service of  
Documents

27 **21.-(1)** In any action or suit against the Centre, no execution or  
28 attachment of process in the nature thereof shall be issued against the Centre  
29 before the expiration of a period of months written notice of the intention to  
30 execute or attach given to the Centre.

Restriction of  
execution against  
property of the  
Centre

	1	(2) Any sum of money which by the judgment of any court has been
	2	awarded against the Centre shall, subject to any direction given by the court,
	3	where notice of appeal against the judgment has been given, be paid from the
	4	fund of the Centre.
Indemnity of Officers	5	<b>22.</b> A member of the Board or the Director-General or any officer or
	6	employee of the Centre shall be indemnified out of the assets of the Centre
	7	against any liability incurred by him in defending any proceeding, whether
	8	civil or criminal, if the proceeding is brought against him in his capacity as a
	9	member, Director-General, officer or other employee of the Centre.
Secretary	10	<b>23.-(1)</b> A member of the Board or the Director-General or any other
	11	officer or employee of the Centre shall-
	12	(a) not, for his personal gain, make use of any information which has
	13	come to his knowledge in the exercise of his power or is obtained by him in the
	14	ordinary course of his duty as a member of the Board or as the Director General,
	15	officer or employee of the Centre;
	16	(b) treat as confidential any information which has come to his
	17	knowledge in the exercise of his powers or is obtain by him 111 the
	18	performance of his duties under this Act;
	19	(c) not disclosed any information referred to under paragraph (b) of
	20	this subsection, except when required to do so by a court or in such other
	21	circumstances as may be prescribed by the Centre, from time to time.
	22	(2) Any person who contravenes the provisions of subsection (i) of
	23	this section commits an offence and is liable on conviction to a fine not less
	24	than N20,000 or imprisonment for term not exceeding 2 years or to both such
	25	fine and imprisonment.
Directives by the Minister, etc.	26	<b>24.</b> The Minister may give to the Centre or the Director-General in
	27	writing such directives of a general nature or relating generally to matters of
	28	policy with regard to exercise of its or his functions as he may consider
	29	necessary and it shall be the duty of the Centre or the Director-General to
	30	comply with the directives or cause them to be complied with.

1	<b>25.</b> The Centre may, with the approval of the Minister, make such	Regulations
2	regulations as in its opinion are necessary or expedient for giving full effect	
3	to the provisions of this Act and for the due administration of its provisions.	
4	<b>26.</b> The National Centre for Women Development Decree 1995	Repealed of
5	No. 11 is hereby repealed.	Decree No. 11. 1995
6	(2) The Centre established pursuant to the National Centre for	
7	Women Development Decree No. 11,1995 shall continue to exist as if the	
8	same was established under this Act.	
9	(3) It is hereby declared that without limiting the provisions of the	
10	interpretation Act, the repeal of the above enactment shall not affect any	
11	document made or anything whatsoever done or purported to have been	
12	done under the enactments so repealed.	
13	(4) Every order, requirement, certificate, notice, direction,	
14	decision, authorization, consent, application, request, contract, agreement	
15	or thing made, issue, given or done under any enactment repealed by this Act	
16	shall if in force and have effect at the commencement of this Act continue to	
17	be in force and have effect as if made, issued, given or done under the	
18	corresponding provisions of this Act.	
19	<b>27.</b> In this Act, except the context otherwise requires-	Interpretation
20	"Board" means the Governing Board of the Centre established under section	
21	2 of the Act;	
22	"Chairman" means the chairman of the Governing Board of the Centre;	
23	"Centre" means the National Centre For Women Development established	
24	under section 1 of this Act;	
25	"Minister" means the Federal Minister charge with the responsibility for	
26	matters relating to Gender issues and women empowerment.	
27	"Functions" includes powers and duties;	
28	"Director-General" means the Director General of the Centre;	
29	"Public Officer" means a member of the public service of the Federation.	

Short title	1	<b>28.</b> This Bill may be cited as the National Centre for Women
	2	Development Bill, 2019.

## SCHEDULE

## Section 2(4)

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

1. Subject to this Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

2. At every meeting of the Board, the Chairman shall preside and In his absence the members present at the meeting shall appoint one of their member to preside at the meeting.

3. The quorum at a meeting of Board shall consist of the Chairman or, in an appropriate case, the person residing at the meeting pursuant to paragraph 2 of this .Schedule, and four other members of the Board, two of whom shall be ex-officio members.

4. The Board shall, for the purposes of this Act, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, if the situation so demands by notice given to him by not less than four other members, he shall summon a meeting of the Centre to be held within 14 days from the date on which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is a member by virtue of this sub-paragraph shall not be entitle to vote at any meeting of the Board and shall not count towards a quorum.

## Committees

6.-(1) Subject to its standing orders, the Board may appoint such member of standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Centre is concerned.

(2) A committee appointed under this paragraph shall-



1 (a) consist of such number of person (not necessarily members of  
2 the Board as may be determined by the Board), and a person, other than a  
3 member of the Board, shall hold office on the committee in accordance with  
4 the terms of his appointment; and

5 (b) be presided over by a member of the Board.

6 (3) The quorum of any committee set up by the Board shall be as  
7 may be determined by the Board.

8 (4) A decision of a committee of the Board shall be of no effect until  
9 it is confirmed by the Board.

10 *Miscellaneous*

11 7. The fixing of the seal of the Centre shall be authenticated by the  
12 signature of the Chairman, the Director-General or any other person  
13 generally or specifically authorized by the Board to act for that purpose.

14 8. Any contract or instrument which, if made by a person not  
15 being a body corporate, would not be required to be under seal may be made  
16 or executed on behalf of the Centre by the Director-General or by any other  
17 person generally or specially authorized by the Board to act for that purpose.

18 9. Any document purporting to be a contract, instrument or other  
19 document duly signed or sealed on behalf of the Centre shall be received in  
20 evidence and shall, unless the contrary is proved, be presumed without  
21 further proof to have been so signed or sealed.

22 10. The validity of any proceedings of the Board or of any of its  
23 committees shall not be affected by-

24 (a) any vacancy in the membership of the Board, or committee;

25 (b) any defect in the appointment of a member of the Board or  
26 committee; or

27 (c) reason that any person not entitle to do so took part in the  
28 proceedings of the Board or committee.

29 11. A member of the Board or a committee who has a personal  
30 interest in any contract or arrangement entered into or proposed to be

1 considered by the Board or such committee shall forthwith disclose his interest  
2 to the Board and shall not vote on any question relating to the contract or  
3 arrangement.

4 12. No member of the Board shall be personally liable for any act or  
5 omission done or made in good faith while engaged in the business of the  
6 Centre.

#### EXPLANATORY MEMORANDUM

The Bill seeks to repeal the National Centre for Women Development Decree No. 11 1995 and re-establish the National Centre for Women Development to, among other things, promote and faster the empowerment of the Nigerian women politically, socially and economically.

NIGERIAN AGENCY FOR FOREIGN ASSISTANCE

(NAFFA) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section:*

PART I - ESTABLISHMENT AND GOVERNING BOARD OF THE NIGERIAN

AGENCY FOR FOREIGN ASSISTANCE

1. Establishment of Nigerian Agency for Foreign Assistance  
(NAFFA)
2. Composition of the Agency's Governing Board
3. Tenure of Office, etc.
4. Removal from Office
5. Emoluments, etc.
6. Disclosure of Interest.

PART II - FUNCTIONS AND POWERS OF THE AGENCY

7. Functions of the Agency
8. Powers of the Agency

PART III - STAFF OF THE AGENCY

9. Director-General of the Agency
10. Other employees of the Agency
11. Staff Regulations
12. Pensions Act No. 2, 2004. LPN
13. Establishment of special units

PART IV - FINANCIAL PROVISIONS OF THE AGENCY

14. Funds of the Agency
15. Expenditure of the Agency
16. Accounts and Audit
17. Annual report
18. Power to accept gift
19. Power to borrow
20. Investment Cap. 449

## PART V - LEGAL PROCEEDINGS

21. Limitation of suits against the Agency, etc. Cap. 379 LFN
22. Service of documents
23. Restriction on execution against property of the Agency
24. Indemnity of officers
25. Secrecy
26. Directives by the President, etc.
27. Regulations
28. Interpretation
29. Short Title

## SCHEDULE

# A BILL

## FOR

AN ACT TO ESTABLISH THE NIGERIAN AGENCY FOR FOREIGN ASSISTANCE  
(NAFFA); AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

### 1 PART I - ESTABLISHMENT AND GOVERNING BOARD OF THE NIGERIAN

#### 2 AGENCY FOR FOREIGN ASSISTANCE

3 1. -(1) There is established an agency to be known as the Nigerian Establishment of  
4 Agency for Foreign Assistance (in this Act referred to as “the Agency”). Nigerian Agency  
for Foreign  
Assistance  
(NAFFA)

5 (2) The Agency:

6 (a) shall be a body corporate with perpetual succession and a  
7 Common Seal; and

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

9 2. -(1) There is established for the Agency a governing Board Composition of  
10 which shall consist of: the Agency’s  
Governing Board

11 (a) a chairman;

12 (b) a representative of each of the following Federal Ministries and  
13 Commissions not below the rank of a Director:

14 (i) Federal Ministry of Co-operation and Integration in Africa, (ii)

15 Federal Ministry of Foreign Affairs;

16 (iii) Federal Ministry of Defence;

17 (iv) Federal Ministry of Information and National Orientation;

18 (v) Federal Ministry of National Planning Commission.

19 (c) a Director - General who shall be the head of administration and

20 also act as the Secretary to the Board;

21 (d) a representative of each of the following bodies:

	1	(i) Civil Society Organization on the recommendation of the Minister
	2	of Co-operation and Integration in Africa;
	3	(ii) association of corporate concerns in Nigeria on the
	4	recommendation of the Minister of Co-operation and Integration in Africa;
	5	(iii) one person to represent women organizations on the
	6	recommendation of the Minister of Co-operation and Integration in Africa; and
	7	(e) one representative of the Presidency.
	8	(2) The Chairman and other members of the Board shall be appointed
	9	by the President of the Federal Republic of Nigeria on the recommendation of
	10	the Minister of Co-operation and Integration in Africa.
Schedule	11	(3) The supplementary provisions set out in the Schedule to this Act
	12	shall have effect with respect to the proceedings of the Board and the other
	13	matters contained therein.
Tenure of Office, etc.	14	<b>3.</b> The Chairman and other members of the Board other than ex-
	15	officio members:
	16	(a) shall hold office for a period of 4 years on such terms and
	17	conditions as may be specified in their letters of appointment; and
	18	(b) may be reappointed for a further period of 4 years and no more.
Removal from Office	19	<b>4.</b> -(1) Notwithstanding the provisions of Section 3 of this Act, any
	20	member of the Board can be removed from office for inability to discharge the
	21	functions of his office (whether arising from infirmity of mind or body or any
	22	other cause or for misconduct).
	23	(2) A member of the Board may resign his appointment by a notice in
	24	writing under his hand, addressed to the President and that member shall, on
	25	the acceptance of the notice of his resignation by the President cease to be a
	26	member of the Board.
Emolument etc.	27	<b>5.</b> A member of the Board shall be paid such emoluments, allowances
	28	and benefits as may be determined by the Revenue Mobilization Allocation
	29	and Fiscal Commission.

1                   **6. -(1)** A member of the Board who is directly or indirectly      Disclosure of  
2 interested in any matter being deliberated on by the Board or is interested in      Interest  
3 any contract made or proposed to be made by the Agency shall, as soon as  
4 possible disclose the nature of his interest at a meeting of the Board.

5                   (2) A disclosure under Subsection (1) of this section shall be  
6 recorded in the Minutes of Meetings of the Board and the member  
7 concerned shall:

8                   (a) after the disclosure not take part in any deliberation or decision  
9 of the Board, pertaining to such interest; and

10                  (b) be excluded for the purpose of constituting a quorum of any  
11 meeting of the Board for any deliberation or decision with regard to the  
12 subject matter in respect of which his interest is so disclosed.

13                   PART II - FUNCTIONS AND POWERS OF THE AGENCY

14                  **7.** The Agency shall in the spirit of rational generosity, cooperation      Functions of the  
15 and in line with Nigeria foreign policy objective in Africa and beyond be      Agency  
16 responsible for:

17                  (a) Initiating, coordinating and facilitating Nigeria's foreign  
18 development assistance and other life-saving assistance to needy African  
19 countries and other countries of the world;

20                  (b) Providing the underpinning for cooperation and Integration by  
21 revitalizing and extending the provisions of education, technical training  
22 and health services with high priority given to tackling HIV/AIDS, Malaria  
23 and other communicable diseases;

24                  (c) Collaborating with other world bodies, donor agencies and  
25 various non-governmental organizations (NGOs) to provide development  
26 assistance to people of Africa, and beyond including those severely  
27 weakened by consecutive failed harvest, extreme poverty, refugees,  
28 displaced and drifting persons;

29                  (d) Building the capacity of needy African States and beyond  
30 towards the development of infrastructure, agriculture and its

1 diversification into agro-industries and manufacturing to improve living  
2 standard of countries concerned;

3 (e) Recommending to the Federal Government, from time to time, in  
4 consultation with other relevant agencies and organizations, applicable  
5 measures for the attainment of its objectives;

6 (f) Monitoring the implementation and compliance with Federal  
7 Government directives, incentives and facilities;

8 (g) Promoting the role of women and youths in social and economic  
9 activities by reinforcing their capacity in the domain of education and training  
10 as would improve their economic power and human development;

11 (h) Carrying out such other activities connected with or incidental to  
12 the other functions of the Agency in order to promote government policies in or  
13 outside Nigeria.

Powers of the  
Agency

14 **8.** In pursuance of section 7 of this Act, the Agency shall have power  
15 to:

16 (a) obtain relevant information, data and reports on activities relating  
17 to the promotion and development of Foreign assistance programme and plans  
18 from agencies, countries, institutions, research centers, consultations and other  
19 support organizations;

20 (b) enter into joint-venture arrangement and draw up memorandum of  
21 understanding and agreement with relevant institutions and organizations for  
22 the promotion and development of Foreign Assistance programme; and

23 (c) do such other things as are necessary and incidental for the  
24 successful performance of its functions under this Act.

#### 25 PART III - STAFF OF THE AGENCY

Director-General  
of the Agency

26 **9.-(1)** There shall be, for the Agency, a Director-General who shall be  
27 appointed by the President of the Federal Republic of Nigeria, on the  
28 recommendation of the Minister of Cooperation and Integration in Africa.

29 (2) The Director-General shall be the Chief Executive of the Agency  
30 and shall be responsible for the execution of the policies and the day-to-day



1 administration of the polices of the Agency.

2 (3) The Director-General shall hold office:

3 (a) for a term of four years in the first instance and may be  
4 reappointed for a further term of four years; and

5 (b) on such terms and conditions as may be specified in his letter of  
6 appointment.

7 **10. -(1)** The Board shall appoint for the Agency, such officers and Other employees  
of the Agency  
8 other employees as it may, from time to time, deem necessary for the  
9 purposes of the day to day affairs of the Agency.

10 (2) The terms and conditions of service of officers and employees  
11 of the Agency shall be as determined by the Board with the approval of the  
12 Minister.

13 (3) The staff of the Agency appointed under section (2) of this  
14 section shall be appointed upon such terms and conditions as the Agency  
15 may, after consultation with the Federal Civil Service Commission,  
16 determined.

17 **11. -(1)** The Agency may, subject to the provision of this Act, make Staff Regulations  
18 staff regulations relating generally to the conditions of service of the  
19 employees of the Agency and without prejudice to the generality of the  
20 foregoing, the regulations may provide for:

21 (a) the appointment, promotion and disciplinary control (including  
22 dismissal) or employees of the Agency; and

23 (b) appeals by such employees against dismissal or other  
24 disciplinary measures, and until the regulations are made, any instrument  
25 relating to the conditions of service of officers in the Civil Service of the  
26 Federation shall be applicable with such modifications as may be necessary,  
27 to the employees of the Agency.

28 (2) Staff regulations made under subsection (1) of this section shall  
29 not have effect until approved by the Agency, and when so approved the  
30 regulations may not be published in the Gazette but the Agency shall cause

Pensions Act  
No. 2, 2004,  
LFN

1       them to be brought to the notice of all affected persons in such manner as it may,  
2       from time to time determine.

3               **12.** -(1) It is hereby declared that service in the Agency shall be  
4       approved service for the purpose of the Pensions Act and, accordingly,  
5       employees of the Agency shall be entitled to pension, gratuities and other  
6       retirement benefits as are prescribed under the relevant pension Act.

7               (2) Notwithstanding the provisions of subsection (1) of this section,  
8       nothing in this Act shall prevent the appointment of a person to any office on  
9       terms which preclude the grant of a pension, gratuity or other retirement  
10       benefits in respect of that office.

11              (3) For the purposes of the application of the provisions of the  
12       pensions Act, any power exercisable by a Minister or other authority of the  
13       Federal Government, other than the power to make regulations under Section  
14       97 of the pensions Act, is hereby vested in and shall be exercisable by the Board  
15       of the Agency and not by any other person or authority.

Establishment  
of special units

16              **13.** For the effective conduct of the functions of the Agency, the Board  
17       shall establish relevant units and committees for effective conduct of its  
18       operations.

Funds of the  
Agency

19                                   PART IV — FINANCIAL PROVISIONS OF THE AGENCY

20              **14.** -(1) The Agency shall establish and maintain a fund into which  
21       shall be paid and credited:

22                   (a) the takeoff grant from the Federal Government;

23                   (b) annual subvention from the Federal Government;

24                   (c) donations and grants-in-aid from individuals, nationals, bilateral  
25       and multilateral bodies.

26              (2) The Agency may accept gift of land, money or property (whether  
27       within or outside Nigeria) upon such terms and conditions, if any, as may be  
28       specified by the person or organization making the gift or donation provided  
29       that the terms and conditions are not contrary to the objectives and functions of  
30       the Agency under this Act or any other Law in force in Nigeria.

- 1                   **15.** (1) The Agency shall, from time to time, apply the proceeds of      Expenditure of  
2                   the fund established pursuant of section 14 of this Act:      the Agency
- 3                   (a) for and in, connection with all or any of its functions under this  
4                   Act as the Federal Executive Council may from time to time determine and  
5                   direct, subject to the approval of the National Assembly;
- 6                   (b) to the cost of administration of the Agency;
- 7                   (c) to the paying of the emoluments, allowances and benefits of  
8                   members of the Board and for reimbursing members of the Board or of any  
9                   Committee set up by the Board for such expenses as may be expressly  
10                  authorized by the Board;
- 11                  (d) to the payment of the salaries, fees or other remuneration or  
12                  allowances, gratuities and pensions, and other benefits payable to the  
13                  officers and other employees of the Agency, so however that no payment of  
14                  any kind under this paragraph (except such as may be expressly authorized  
15                  by the Board) shall be made to any person who is in receipt of emoluments  
16                  from the Federal or State Government or Local Government; and
- 17                  (e) for the development and maintenance of any property vested in  
18                  or owned by the Agency.
- 19                  (2) Notwithstanding the provisions of this section, the Agency  
20                  shall not except on the direction of the Federal Government and subject to  
21                  the approval of the National Assembly administer any foreign assistance to  
22                  any country or countries, if it is satisfied that the assistance earlier given by  
23                  the Nigeria Government was not properly utilized in accordance with the  
24                  terms of the Assistance.
- 25                  **16.** The Agency shall keep proper accounts in a form which      Accounts and  
26                  conforms to internationally accepted accounting standards and practice      Audit
- 27                  accepted standards of its receipts, payments, assets and liabilities and shall  
28                  submit the accounts annually, for auditing by a qualified auditor appointed  
29                  from the list of auditors and in accordance with the guidelines supplied by  
30                  the Auditor-General of the Federation.

Annual report	1	<b>17.</b> The Agency shall, not later than 30th September in each year,
	2	submit to the National Assembly, a report of its activities during the immediate
	3	preceding year and shall include in such report the audited accounts of the
	4	Agency.
Power to accept gift	5	<b>18.</b> -(1) The Agency may accept any gift of land, money or other
	6	property on such terms and conditions, if any, as may be specified by the person
	7	or organization making the gift.
	8	(2) The Agency shall not accept any gift if the conditions attached by
	9	the persons or organization offering the gift are inconsistent with the functions
	10	of the Agency or any other law or Federal Government policy in force.
Power to borrow	11	<b>19.</b> -(1) The Agency may, from time to time, borrow by overdraft or
	12	otherwise such sums as it may require for the performance of its functions
	13	under this Act with the approval of the Minister after consultation with the
	14	President.
	15	(2) The Agency shall not without the approval of the President,
	16	borrow money which exceeds, at any time, the amount set by the Minister.
	17	(3) Notwithstanding Subsection (1) of this section, where the sum to
	18	be borrowed is in foreign currency, the Agency shall not borrow the sum
	19	without the prior approval of the Federal Executive Council.
Investment Cap. 449	20	<b>20.</b> The Agency may, subject to the provisions of this Act and the
	21	conditions of any trust created in respect of any property; invest all or any of its
	22	funds in any security prescribed by the Trustee Investments Act or in such other
	23	securities as may, from time to time, be approved by the LFN Minister.
	24	PART V - LEGAL PROCEEDINGS
Limitation of suits against the Agency, etc. Cap. 379, LFN	25	<b>21.</b> -(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 an officer or employee of the Agency.
	28	(2) Notwithstanding anything contained in any other enactment, no
	29	suit against a member of the Board or the Director-General or any other officer
	30	or employee of the Agency for any act done in pursuance or execution of this

1 Act or any other enactment or law, or of any public duty or authority, in  
2 respect of any alleged neglect or default in the execution of this Act or any  
3 other enactment or law, duty or authority shall lie or be instituted in any court  
4 unless it is commenced:

5 (a) within three months after the act, neglect or default complained  
6 of;

7 (b) in the case of a continuation of damage or injury, within six  
8 months after the ceasing thereof

9 (3) No suit shall be commenced against a member of the Board or  
10 the Director-General or any other officer or employee of the Agency before  
11 the expiration of a period of one month after written notice of the intention to  
12 commence the suit shall have been served on the Agency by the intending  
13 plaintiff or his agent.

14 (4) The notice referred to in subsection (3) of this section shall  
15 clearly and explicitly state the cause of action, the particulars of the claim,  
16 the name and place of abode of the intending plaintiff and the relief which he  
17 claims.

18 **22.** A notice, summons or other documents required or authorized  
19 to be served on the Agency under the provisions of this Act or any other  
20 enactment or law may be served by delivering it to the Director-General or  
21 by sending it by registered post addressed to the Director-General at the  
22 principal office of the Agency.

Service of  
documents

23 **23.** -(1) In any action or suit against the Agency, no execution or  
24 attachment of process in the nature thereof shall be issued against the  
25 Agency unless not less than three months notice of the intention to execute  
26 or attach has been given to the Agency.

Restriction on  
execution against  
property of the  
Agency

27 (2) Any sum of money which by the judgment of any court has been  
28 awarded against the Agency shall, subject to any direction given by the  
29 court, where notice of appeal against the judgment has been given, be paid  
30 from the fund of the Agency.

Indemnity of  
officers

1                   **24.** A member of the Board or the Director-General or any officer or  
2 employee of the Agency shall be indemnified out of the assets of the Agency  
3 against any liability incurred by him in defending any proceeding, whether  
4 civil or criminal, if the proceeding is brought against him in his capacity as a  
5 member, Director-General, Officer or other employee of the Agency.

Secrecy

6                   **25.** -(1) A member of the Board or the Director-General or any other  
7 officer or employee of the Agency shall:

8                   (a) not, for his personal again, make use of any information which has  
9 come to his knowledge in the exercise of his powers or is obtained by him in the  
10 ordinary course of his duty as a member of the Board or as the Director-  
11 General, officer or employee of the Agency;

12                  (b) treat as confidential any information which has come to his  
13 knowledge in the exercise of his powers or is obtained by him in the  
14 performance of his duties under this Act;

15                  (c) not disclose any information referred to under paragraph (b) of this  
16 subsection, except when required to do so by a court or in such other  
17 circumstances as may be prescribed by the Board, from time to time.

18                  (2) Any person who contravenes the provisions of subsection (1) of  
19 this section commits an offence and is liable on conviction to a fine of not less  
20 than ₦20,000 or imprisonment for a term not exceeding 2 years or to both such  
21 fine and imprisonment.

Directives by  
the President,  
etc.

22                  **26.** The President may give to the Agency or the Director - General  
23 such directives of a general nature or relating generally to matters of policy  
24 with regard to the exercise of its or his functions as he may consider necessary  
25 and it shall be the duty of the Agency or the Director-General to comply with  
26 the directives or cause them to be complied with.

Regulations

27                  **27.** The Agency may, with the approval of the President make such  
28 regulations as in its opinion are necessary or expedient for giving full effect to  
29 the provisions of this Act and for due administration of its provision.

1	<b>28.</b> In this Act, except the context otherwise requires:	Interpretation
2	“Agency” means the Nigerian Agency for Foreign Assistance (NAFFA)	
3	established under Section 1 of this Act;	
4	“Board” means the governing Board established for the Agency under	
5	Section 2 of this Act;	
6	“President” means the President of the Federal Republic of Nigeria;	
7	“Minister” means the Federal Minister in charge of Co-operation and	
8	Integration in Africa and matters connected therewith;	
9	“Fund” means the fund of the Agency established under Section 14 of this	
10	Act.	
11	<b>29.</b> This Bill may be cited as the Nigerian Agency for Foreign	Short Title
12	Assistance Bill, 2019.	

## 1 SCHEDULE

2 *Section 2(3)*

## 3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board Cap. 192 LFN 1990*

5 1. Subject to this Act and Section 29 of the Interpretation Act (which  
6 provides for decisions of a statutory body to be taken by a majority of its  
7 members and for the person presiding at any meeting, when a vote is ordered, to  
8 have a second or casting vote), the Board may make standing orders regulating  
9 its proceedings or that of any of its Committees.

10 2. At every meeting of the Board, the Chairman shall preside and in  
11 his absence the Members present at the meeting shall appoint one of their  
12 members to preside at the meeting.

13 3. The quorum at a meeting of the Board shall consist of the Chairman  
14 or the person presiding at the meeting pursuant to paragraph 2 of this Schedule,  
15 and four other members.

16 4. The Board shall for the purpose of this Act, meet not less than three  
17 times in each year and subject, thereto, the Board shall meet whenever it is  
18 summoned by the Chairman, and if required to do so, by notice given to him by  
19 not less than five other members, he shall summon a meeting of the Board to be  
20 held within 14 days from the date on which the notice is given.

21 5. Where the Board desires to obtain the advice of any person on a  
22 particular matter, the Board may co-opt him to the Board for such period, as it  
23 thinks fit, but a person who is a member by virtue of this subparagraph shall not  
24 be entitled to a vote at any meeting of the Board and shall not count towards a  
25 quorum.

26 *Committees*

27 6. Subject to this Act, the Board may appoint such number of  
28 committees as it thinks fit to consider and report on any matter with which the  
29 Agency is concerned.

30 7. A Committee appointed under this paragraph shall:



1 (a) consist of such number of persons not necessarily members of  
2 the Board as may be determined by the Board, and a person, shall hold office  
3 on the Committee in accordance with the terms of his appointment;

4 (b) the Committee shall be chaired by a member of the Board.

5 **8.** The quorum of any committee set up by the Agency shall be as  
6 may be determined by the Agency.

7 **9.** A decision of a Committee of the Agency shall be of no effect  
8 until it is confirmed by the Board.

9 *Miscellaneous*

10 **10.** The fixing of the seal of the Agency shall be authenticated by  
11 the signatures of the Chairman or any other person specifically authorized  
12 by the Board to act for that purpose and that of the Director-General.

13 **11.** Any contract or instrument which, if made by a person not  
14 being a body corporate, would not be required to be under seal, may be made  
15 or executed on behalf of the Agency by the Director-General or by any other  
16 person specially authorized by the Board to act for that purpose.

17 **12.** Any document purporting to be a contract, instrument or other  
18 document duly signed or sealed on behalf of the Agency shall be received in  
19 evidence and shall, unless the contrary is proved, be presumed without  
20 further proof to have been so signed or sealed.

21 **13.** The validity of any proceedings of the Board or of any of its  
22 committees shall not be affected by:

23 (a) any vacancy in the membership of the Board, or Committee;

24 (b) any defect in the appointment of a member of Board or  
25 Committee;

26 (c) by reason that any person not entitled to do so, took part in the  
27 proceedings of the Board or Committee.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Agency for Foreign Assistance (NAFFA) as an agency under the supervision of the Presidency, to coordinate and facilitate the rapid realization of NAFFA programme and process in Nigeria and the entire continent.

INSTITUTE OF HEALTHCARE MANAGEMENT

(REGISTRATION, ETC.) BILL, 2019

ARRANGEMENT OF SECTIONS

*Section*

PART I - ESTABLISHMENT, ETC, OF INSTITUTE OF HEALTHCARE

MANAGEMENT OF NIGERIA

1. Establishment of Institute of Healthcare Management of Nigeria
2. Categories of Membership of the Institute
3. Election of President and Vice President of the Institute.
4. Membership of the Council
5. Power of the Council

PART II - FINANCIAL PROVISIONS

6. Fund of the Institute
7. Annual estimates accounts and audit.

PART III - REGISTRATION AND RELATED MATTERS

8. Director-General and other employees of the Institute
9. Preparation and maintenance of register
10. Publication of register and lists of corrections.
11. Registration as Healthcare Manager.
12. Temporary registration.
13. Certification
14. Appointments
15. Prohibition of falsely professing to be a registered person.
16. Recovery of fees.
17. Seeming registration through fraudulence means
18. Burden of proof of registration

PART III - TRAINING

19. Approval of courses.
20. Supervision of instruction and examinations leading to approved qualification.

21. Power of the Institute to consider matters relating to training.

22. Certificate of experience.

PART IV - PROFESSIONAL DISCIPLINE

23. Transitional powers as to properties etc.

24. Establishment of the Disciplinary Committee and investigating Panel

25. Proceedings of the Disciplinary Committee

26. Penalties for unprofessional conduct

27. Restoration of registration.

28. Striking off entries from the register on grounds of fraud or error

29. Appeal to the Federal High Court.

PART V - MISCELLANEOUS

30. Regulations.

31. Interpretation.

32. Short title.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel

THIRD SCHEDULE

Accepted minimum qualification for the purpose of registration on the register established under this Act

# A BILL

## FOR

AN ACT TO ESTABLISH THE INSTITUTE OF HEALTHCARE MANAGEMENT PRACTITIONERS AND TO MAKE PROVISIONS, AMONGST OTHER THINGS, FOR MEMBERSHIP AND THE CONTROL OF THE PROFESSION OF HEALTHCARE MANAGEMENT, AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1 PART I - ESTABLISHMENT, ETC, OF INSTITUTE OF HEALTH CARE  
2 MANAGEMENT OF NIGERIA ETC.

3 1.-(1) There is hereby established for healthcare management a  
4 body to be known as the Institute of Health care Management of Nigeria (in  
5 this Act referred to as “the Institute”), which shall be a body corporate under  
6 that name and be charged with the general duty of:

Establishment  
of Institute of  
Healthcare  
Management of  
Nigeria etc.

7 (a) determining what standards of knowledge and skill shall be  
8 attained by a person seeking to become a member of the profession of  
9 healthcare management and reviewing those standards from time to time as  
10 circumstances may permit;

11 (b) securing in accordance with the provisions of this Act, the  
12 establishment and maintenance of a register of persons (fellows. senior  
14 members, members and associate) and corporate bodies registered under  
15 this Act as members of the profession and the publication from time to time  
16 of lists of those persons;

17 (c) conducting examinations in healthcare management and  
18 awarding certificates or diplomas to successful candidates as appropriate,  
19 and for such purpose the Institute shall prescribe fees to be paid in respect  
20 thereof; and

1 (d) performing such other functions conferred on the Institute by this  
2 Act.

3 (2)The Institute shall have perpetual succession and a common seal  
4 which shall be kept in such custody as the Council may from time to time  
5 authorized.

6 (3) The Institute may sue and be sued in its corporate name and may,  
7 subject to the Land Use Act, holds acquire and disposed of any property,  
8 moveable or immoveable.

9 [Cap 1.5]

Categories of  
membership of  
the Institute

10 2.-(1) Subject to the provisions of this Act, members admitted to  
11 membership of the Institute Shall:

12 (a) be enrolled as healthcare managers in the categories of:

13 (i) fellows;

14 (ii) senior members;

15 (iii) members;

16 (iv) associates.

17 (b) be registered as healthcare managers, and shall have status as  
18 registered in the Institute accordingly.

19 (2) Persons registered under this Act as healthcare managers shall use  
20 the prefix (Hm.) before their names and be entitled to be enrolled:

21 (a) as fellow if they satisfy the Council that for the period of not less  
22 than fifteen years immediately preceding the date of application in that behalf,  
23 they have been fit persons and have in addition to being holders of approved  
24 academic qualifications, been in continuous active practice on their own  
25 account as healthcare management employees and or in partnership with other  
26 healthcare management;

27 (b) as senior members if not less than a period of twelve years relevant  
28 practice experience, in addition to being holders of approved academic  
29 qualifications acceptable to the Council;

30 (c) as a member if not less than nine years period of relevant practice

1 experience in addition to being holders of approved academic qualifications  
2 acceptable to the Council;

3 (d) as an associate if they satisfy the Council that they have passed  
4 the prescribed examination and have been in relevant practice for a period  
5 not less than five years.

6 (3) Persons enrolled in the Institute shall be holders of  
7 qualifications acceptable to the Institute, and shall be entitled for upgrade at  
8 the discretion of the Council.

9 *[Forth Schedule]*

10 (4) Where a person is enrolled or registered as the case may be, in  
11 the Institute he/she shall be entitled to the use of such letters after his/her  
12 name as may be authorized by the Council and shall receive certificate in  
13 such for as the Council may approve for that purpose.

14 (5) The Institute may enroll:

15 (a) graduates;

16 (b) affiliates;

17 (c) Students for the purpose of being registered as healthcare  
18 managers in accordance with the act.

19 (6) A person shall cease to be a member of the Institute if:

20 (a) he/she is convicted on criminal ground by any competent court;

21 (b) he/she is declared to be of unsound mind by competent  
22 authorities;

23 (c) he/she is de-listed by the Council;

24 (d) he/she ceased to live;

25 **3.-(1)** There shall be President and a Vice President of the Institute  
26 who, subject to the provisions of section 21 Of this Act and the Third  
27 Schedules hereto, shall be elected by the Council under this Act.

Elections of  
President and  
Vice President  
of the Institute

28 *[Third Schedule]*

29 (2) The President and the Vice President shall each hold office for a  
30 term of three year from the date of election, and the President shall be the

Membership  
of the Council

1 chairman of meetings of the Institute, in the event of death, incapability or  
2 inability of any reason of the President, the Vice President shall act as the  
3 President for a period maximum of six months and as chairman, as the case  
4 may be, and references in this Act to the President shall be construed  
5 accordingly.

6 (3) The President and the Vice President shall respectively be  
7 chairman and vice chairman of the Council of the Institute under this Act.

8 (4) If the President or the Vice President ceases to be a member of the  
9 Institute, he/she shall cease to hold any of the offices designated in this section.

10 4. -(1) The Council shall comprise of the following members, that is:

11 (a) a President/chairman of Council;

12 (b) a Vice President;

13 (c) One duly enrolled healthcare manager from Committee of  
14 CMD/MDs of federal tertiary health institutions in Nigeria;

15 (d) 6 duly enrolled professional healthcare managers to represent the  
16 6 geo-political zones;

17 (e) One duly enrolled healthcare manager to represent institutions  
18 involved in training of healthcare management;

19 (f) One duly enrolled healthcare manager from Committee of Health  
20 Registrars;

21 (g) One person to represent the Federal Ministry of Health;

22 (h) One duly enrolled healthcare managers to represent Health  
23 Management Organizations;

24 (i) One person to represent public interest;

25 (j) One duly enrolled healthcare manager to represent NHIS;

26 (k) the Director-General shall represent the management: and serve as  
27 secretary to Council.

28 (2) The Council shall serve as the governing body of the Institute.

29 (3) All members of Council shall be elected in the annual conference  
30 on recommendation by their various constituencies. Only members (g) and (i)



1 are to be appointed by the Hon. Minister responsible.

2 (4) The provisions of the First Schedule to this Act shall have effect  
3 with respect to the matters therein mentioned.

4 *[First Schedule]*

5 5. The Council shall have power to do anything which in its  
6 opinion is calculated to facilitate the carrying on of the activities of the  
7 Institute under this Act. Power of the Council

#### 8 PART II - FINANCIAL PROVISIONS

9 6.-(1) The Institute shall establish and maintain a fund into which  
10 shall be managed by the Council: Fund of the Institute

11 (a) all fees and other monies payable to the Institute in pursuance of  
12 this Act;

13 (b) such monies as may be payable to the Institute whether in the  
14 course of the discharge of its functions or otherwise; and

15 (c) the source of fund for the institute shall be:

16 (i) Subscription from members;

17 (ii) Registration fees;

18 (iii) Consulting fees;

19 (iv) Training and capacity development programmes;

20 (v) Grant from donor agencies;

21 (vi) Donation from members and corporate institutions.

22 (2) Monies received by the Institute by way of subscriptions, fees,  
23 grants-in-aid, gift or any other money received by the Institute shall be paid  
24 into the fund established by sub- section (1) of this section.

25 (3) There shall be paid out of the fund of the Institute:

26 (a) all expenditure incurred by the institute in the discharge of its  
27 functions under this Act;

28 (b) the remuneration and allowances of the Director-General, and  
29 other staff of the Institute; and

30 (c) such reasonable travelling and subsistence allowances of

1 Council members of the Institute in respect of the time spent on the business of  
2 the Institute as the Council may determine.

3 (4) The Council may invest monies in the fund in any security created  
4 or issued by or on behalf of the institute or in any other securities in Nigeria  
5 approved by the Council.

Accounts, etc.

6 7.-(1) The Institute shall keep proper accounts in respect of each year  
7 and proper records in relation to those accounts and the Council shall cause its  
8 accounts to be audited annually and presented for approval by them at the  
9 annual conference of the Institute.

10 (2) An Auditor appointed for the purpose of this section shall be from  
11 the list approved and in accordance with the guideline supplied by the Auditor-  
12 General of the Federation.

Director-General  
and other employees  
of the Institute

13 8.-(1) The Director-General for the purposes of this Act.

14 (2) The Institute shall appoint under this Act, fit and proper persons  
15 who are duly registered practitioners to be the Executive Directors responsible  
16 for:

17 (i) professional development; and

18 (ii) administration and finance.

19 (3) The Director-General shall be the Chief Executive Officer and  
20 shall on the instructions of the Chairman of the Council convene meetings of  
21 the Council and shall keep minutes of the proceedings of all such meetings.

22 (4) The Council may appoint such other persons to be employees of  
23 the Institute as the Institute may determine to assist the Director-General in the  
24 exercise of his/her functions under this Act.

25 (5) The Council may whenever the Director-General is absent or for  
26 any other reason unable to discharge the functions of his office to a period of  
27 more than sixty days, appoint an acting Director-General to discharge those  
28 functions.

29 (6) The Director-General and other employees of the Institute shall  
30 hold office on such conditions as the Council may determine.

## PART III - REGISTRATION AND RELATED MAILERS

9.-(1) It shall be the duty of the Director-General to prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses, approved qualifications and of such other particulars as may be specified, of all persons, who are entitled in accordance with provisions of this Act to be registered as social workers and who apply in the specified manner to be so registered.

Preparation and  
maintenance of  
register

(2) Subject to the following provisions of this section, the Council shall make rules with respect to the form of keeping of the register and the making of entries therein, and in particular:

(a) regulating the making of application for registration and providing for the evidence to be produced in support of such application;

(b) providing for the notification to the Director-General by the person to whom any registered particulars relate, of any change in those particulars;

(c) specifying the fees to be paid to the Institute in respect of the entry of names on the register and authorizing the Director-General to refuse to enter a name on the register until any fees specified for entry has been paid;

(d) authorizing a registered person to have any qualification which is, in relation to his profession, whether an approved qualification or an accepted qualification under section 9 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered; and

(e) specifying any other matters so required under the foregoing provisions of this section but rules made for the purposes of paragraph (c) of this subsection shall not come into force until they are confirmed by the Council.

(3) It shall be the duty of the Director-General:

(a) with the approval of the Council, correct any entry in the

1 register which the Council directs to correct as being in the opinion of the  
2 institute an entry which was incorrectly made;

3 (b) with the approval of the Council remove from the register the  
4 name of any registered person who has died or has become insane or who has  
5 for any other reason ceased to be qualified to be a member of the profession.

6 (4) If the Director-General:

7 (a) sends by post to any registered person a registered letter addressed  
8 to him at his address on the register enquiring whether the registered particulars  
9 relating to him are correct and receives no reply to that letter within three  
10 months from the date of posting it; and

11 (b) upon the expiration of that period sends in like manner to the  
12 person in question a second letter and receives no reply to that letter within  
13 three months from the date of posting it, the Executive Secretary may remove  
14 the particulars relating to the person from the register; but the Council may  
15 direct the Director-General to restore to the register any particulars removed  
16 there from under this subsection upon the application of the affected person.

Publication of  
register and lists  
of corrections

17 **10.-(1)** It shall be the duty of the Director-General:

18 (a) to cause the register to be printed published and put on sale to  
19 members of the public not later than two years from the beginning of the year in  
20 which this Act comes into force;;

21 (b) in each year after that in which a register is first published under  
22 paragraph (a) of this subsection. to cause to be printed, published and put on  
23 sale as aforesaid either a corrected edition of the register or a list of alterations  
24 made to each register since it was last printed; and

25 (c) to cause a print of each edition of the register and of each list of  
26 corrections to be deposited at the principal office of the Institute; and it shall be  
27 the duty of the Institute to keep each register and lists so deposited open at all  
28 reasonable times for inspection by members of the public including mailing  
29 copies available electronically to all members,

30 (2) A document purporting to be a print of an edition of a register

published under this section by authority of the Director-General in the current year or documents purported to be prints of an edition of a register so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together as being registered, is so registered and that any person not so specified is not so registered.

*[Third Schedule)*

**11.-(1)** Subject to section 27 of this Act and to rules made under section 7 (2) thereof, a person shall be entitled to be registered under this Act and being so registered to receive a registration certificate if:

Registration as  
healthcare manager

(a) he /she has attended a course of training approved by the Institute under section of this Act;

(b) the course was conducted at an institution so approved, or partly at one of such institutions and partly at another;

(c) he/she holds at least one of the qualifications prescribed in the Third Schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 7 (2) of this Act;

(d) he/she holds a certificate of experience issued in pursuance of section 20 of this Act;

(e) he/she is of good character; and

(f) he/she thereafter pays all prescribed fee.

(2) Subject to section 27 of this Act and to rules made under section 7 (2) of this Act a person shall also be entitled to be registered under this Act and being so registered to receive a registration certificate, if he satisfies the Institute:

(a) that he holds a qualification granted outside Nigeria for the time being accepted by the Institute for the purposes of this subsection in respects of the profession;

1 (b) that in the country in which the qualification was granted, he was  
2 under no legal disability in the practice of the profession;

3 (c) he holds a certificate of experience issued in pursuance of section  
4 20 of this Act;

5 (d) that he is of good character; and

6 (e) he thereafter pays any prescribed fee.

7 (3) The qualifications specified in the Third Schedule to this Act are  
8 those accepted for the time being by the Institute as the minimum qualifications  
9 for the purpose of registration on the register maintained under section 7 of this  
10 Act. And the Institute shall from time to time publish same in the Federal  
11 Gazette.

12 (4) Subject as aforesaid, a person shall be entitled to be temporarily  
13 registered under this Act in cases specified in section 10 of this Act.

Temporary  
registration

14 **12.-(1)** Where a person who is a non Nigeria or an expatriate satisfies  
15 the Institute:

16 (a) that he/she has been selected for employment for period not less  
17 than six months in a capacity in which a registered person under this Act would  
18 normally be employed and that he/she is or intends to be in Nigeria temporarily  
19 for the purpose of serving for that period in the employment in question;

20 (b) that he/she holds or has passed examinations necessary for  
21 obtaining some qualifications granted outside Nigeria which i for the time  
22 being accepted by the Institute for the purpose of this Act as respects the  
23 capacity in which, if employed he/she is to serve; and

24 (c) he/she pays any fees prescribed for registration,  
25 the Council may, if it thinks fit, give a direction that he, she shall be temporarily  
26 registered and subject to annual renewal, maintain a license for the period of  
27 the employment.

28 (2) The temporary registration of a person shall continue only while  
29 he/she is in such employment as is mentioned in subsection (1) (a) of this  
30 section and shall cease:

1 (a) on the termination of the period of employment specified to the  
2 institute under that subsection; or

3 (b) on the termination of the said employment before the end of that  
4 period, whichever first occurs.

5 (3) Nothing in subsection (2) of this section shall preclude the  
6 Council from giving a further direction under subsection (1) of this section  
7 in respect of a specific period, the commencement of which coincides with  
8 the termination of another such period.

9 (4) A person who is temporarily registered shall, in relation to his  
10 employment mentioned under subsection (1) (a) of this section, and to  
11 things done or omitted to be done in the course of that employment, be  
12 deemed to be fully registered.

13 (5) In case of doubt as to whether a person's employment has been  
14 terminated, the decision of the Institute shall be conclusive for the purposes  
15 of subsection (2) of this section.

16 (6) The Director-General, as directed, from time to time, by the  
17 Council, shall remove from the register the name of any person ceasing to be  
18 entitled to the benefit of this section.

19 **13.** A certificate required by any written law from any class of  
20 persons for whom a register is maintained under this Act shall not be valid  
21 unless the person signing it is registered in accordance with this Act. Certification

22 **14.-(1)** Subject to the provisions of this Act, no person, not being  
23 registered as a healthcare manager, shall be entitled to hold any appointment  
24 or practice in the civil service of the Federation or of a State or in any public  
25 or private establishment body or institution, if the holding of such  
26 appointment involves the performance by him/her in Nigeria of any act  
27 pertaining to the profession. Appointment  
not to be held by  
unregistered  
person

28 (2) Nothing in this section or in and other provisions of this Part of  
29 this Act shall prevent a person from holding any appointment referred to in  
30 subsection (1) of this section while he is undergoing training for the purpose

1 of becoming qualified for registration under this Act and the training is done  
 2 under the supervision of persons who are registered in accordance with this  
 3 Act.

Prohibition of  
 falsely professing  
 to be a registered  
 person/practice

4 **15.**-(1) Any person, not being registered on any register maintained  
 5 under section 7 of this Act, who holds himself out to be so registered or uses any  
 6 name, title, description or symbol calculated to lead any person to infer that he  
 7 is so registered or is a member of the profession, shall be guilty of an offence  
 8 and liable on conviction for a first offence to a fine of not less than N50,000 nor  
 9 more than N100,000 or to imprisonment for a term of six months or to both  
 10 such fine and imprisonment. Further conviction for a second or and subsequent  
 11 related offence shall be subject to imprisonment for a term of not less than one  
 12 year or more than three years with no option of fine.

13 (2) Any institution or body corporate involves in the performance in  
 14 Nigeria of any act pertaining to the profession not duly registered shall be  
 15 guilty of an offence and liable to conviction of a first offence to a fine of not less  
 16 than N100,000.000 nor more than N2,000,000 or to imprisonment for a term of  
 17 six months or to both such fine and imprisonment, and on conviction for a  
 18 second or any subsequent related offence to imprisonment for a term of not less  
 19 than one year nor more than three years with no option of fine.

Recovery of  
 fees

20 **16.**-(1) Subject to the provisions of this Act, a registered social worker  
 21 shall be entitled to recover his/her fees for professional services by action in  
 22 any court of competent jurisdiction.

23 (2) No fees shall be recoverable by legal proceedings in respect of any  
 24 act pertaining to the profession of a registered person when performed by a  
 25 person who is prohibited from performing such act.

Securing  
 registration  
 though fraudulent  
 means

26 **17.**-(1) If any person for the purpose of procuring the registration of  
 27 any name, qualification or other matter:

28 (a) makes a statement which he knows to be false in a material  
 29 particular; or

30 (b) recklessly makes a statement 'which is false in a material



1 particular, he shall be guilty of an offence.

2 (2) If the Director-General or any other person employed by the  
3 Institute willfully makes any falsification in any matter relating to any  
4 register maintained under this Act he shall be guilty of an offence.

5 (3) A person guilty of an offence under this section shall be liable:

6 (a) on conviction in a court of inferior jurisdiction, to a fine not  
7 exceeding N100.000;

8 (b) on conviction in a High Court, to a fine not exceeding N100,000  
9 or to imprisonment for a term not exceeding two years, or to both such fine  
10 and imprisonment.

11 (4) Where an offence under this Part of this Act which has been  
12 committed by a body corporate is proved to have been committed with the  
13 connivance of or is attributable to any neglect on the part of any director,  
14 manager, secretary or other similar officer of the body corporate or any  
15 person purporting to act in any such capacity, he/she as well as the body  
16 corporate shall be deemed to be guilty of that offence and shall be liable to  
17 be proceeded against and punished accordingly, (or severally).

18 **18.** In any criminal proceeding against any person upon a charge  
19 of having performed an act which constitute an offence if performed by an  
20 unregistered person, the person charged shall be deemed to be unregistered,  
21 unless he/she proves the contrary

Burden of proof  
of registration

#### 22 PART III - TRAINING

23 **19.-(1)** Subject to subsection (2) of this section. the Institute may  
24 approve for the purpose of section 7 of this Act:

Approval of  
courses

25 (a) any course of training which is intended for persons seeking to  
26 become members of the profession under this Act and which the Institute  
27 considers is designed to confer on persons completing the training sufficient  
28 knowledge and skill for the practice of the profession;

29 (b) any institution 'whether in Nigeria or elsewhere which the  
30 Institute considers properly organized and equipped for conducting the and

1 whole or any part of the course of training approved by the Institute under this  
2 section; and

3 (c) any qualification which, as a result of examinations taken in  
4 conjunction with the course of training approved by the Institute under this  
5 section, is granted to candidates reaching a standard at the examination  
6 indicating that they have sufficient knowledge and skill to practice the  
7 profession to which the qualification relates.

8 (2) The Institute shall, from time to time publish in the Federal  
9 Gazette a list of qualifications relating to the profession approved by it for the  
10 purposes of subsection (1) of this section

11 (3) The Institute may, if it thinks fit, withdraw any approval given  
12 under this section in respect of any course, qualification or institution; but  
13 before withdrawing such approval the Institute shall:

14 (a) give notice that it proposes to do so to persons in Nigeria appearing  
15 to the Institute to be persons by whom the course is conducted or the  
16 qualification is granted or the institution is controlled, as the case may be;

17 (b) afford each such person an opportunity of making representations  
18 to the Institute with regard to the proposal; and

19 (c) take into consideration any representations made as respects the  
20 proposal in pursuance of paragraph (b) of this subsection.

21 (4) Any period during which approval of the Institute under this  
22 section for a course institution or qualification is withdrawn, the course or  
23 qualification shall not be treated as approved under this section: but the  
24 withdrawal of such an approval shall not prejudice the registration or eligibility  
25 for registration of any person who by virtue of the approval was registered  
26 immediately before the approval was withdrawn.

27 (5) The giving or withdrawal of an approval under this section shall  
28 have effect from such date, after the execution of the instrument signifying the  
29 giving or withdrawal of the approval, as the Institute may specify in that  
30 instrument and the Institute shall;

1 (a) cause to be published a copy of every such instrument in the  
2 Federal Gazette; and

3 (b) not later than seven days before its publication as aforesaid,  
4 send a copy of the instrument to the relevant agencies.

5 **20.**-(1) The Institute shall supervise the quality of instruction given  
6 at approved institutions to persons attending approved course of training:  
7 and the examinations as a result of which approved qualifications are  
8 granted.

Supervision of  
instruction and  
examinations  
leading to approved  
qualification

9 (2) For the purpose of performing the duty specified in subsection  
10 (1) of this section, the Institute may appoint either from among its own  
11 members or otherwise, persons to visit approved institutions or attend such  
12 examinations.

13 (3) A person appointed under this section shall report to the  
14 Institute on:

15 (a) the sufficiency of the instruction given to persons attending  
16 approved courses of training at the institution visited by him;

17 (b) the sufficiency of examinations attended by him; and

18 (c) any other matter relating to the institution or examinations on  
19 which the Institute may, either generally or in a particular case, request him  
20 to report.

21 (4) On receipt of a report in pursuance of this section, the Institute  
22 shall as soon as maybe send a copy of the report to the person appearing to  
23 the Institute to be in charge of the institution or responsible for the  
24 examinations to which the report relates requesting that person to make  
25 representations to the Institute within such time as may be specified in the  
26 request, not being more than one month beginning with the date of the  
27 request.

28 **21.**-(1) It shall be the duty of the Council to give approval upon all  
29 matters relating to the professional and technical training under this Act and  
30 the conditions of practice after registration.

Power of the  
Institute to  
consider matters  
relating to training

Certificate of  
experience

1                   **22.**-(1) A person who, after obtaining an approved qualification,  
2 satisfies the conditions mentioned in subsection (2) of this section shall be  
3 entitled to receive free of charge a certificate of experience in the prescribed  
4 form from the person in charge of the institution mentioned in that subsection.

5                   (2) The conditions which a person must satisfy under subsection (1)  
6 of this section are:

7                   (a) he shall have served his time for the prescribed period in Nigeria  
8 with a view to obtaining a certificate of experience;

9                   (b) he shall have acquired during his employment practical  
10 experience under the personal supervision and guidance of one or more  
11 registered social worker for such periods as may be prescribed; and

12                  (c) the manner in which he carried out the duties of his employment  
13 and his conduct during the period of his employment shall have been  
14 satisfactory.

15                  (3) It shall be the duty of the employer being a registered social  
16 worker supervising the work of persons employed with a view to obtaining a  
17 certificate of experience, to secure that the last mentioned person is afforded  
18 proper opportunities of acquiring the practical experience required for the  
19 purposes of paragraph (b) of subsection (2) of this section.

20                  (4) Where, after having served his time as mentioned in paragraph (a)  
21 of subsection (2) of this section, a person is refused a certificate of experience  
22 he shall be entitled:

23                  (a) to receive from his employer particulars in writing of the grounds  
24 of the refusal; and

25                  (b) to appeal from the refusal to a committee of the Institute in  
26 accordance with rules made by the Institute in that behalf (including rules as to  
27 the time within which appeals are to be brought).and on any such appeal the  
28 committee shall either dismiss the appeal or itself issue the certificate of  
29 experience in question or give such other directions in the matter as it considers  
30 just.

1 (2) Regulations may provide for the issue of certificates of  
2 experience in respect of employment and institutions outside Nigeria.

3 23.-(1) Every agreements to which the incorporated Institute was a  
4 part immediately before the commencement of this Act, whether it be in  
5 writing or not and whether or not of such nature that the rights, liabilities and  
6 obligations there under could be assigned by the Incorporated Institute,  
7 shall, unless in terms or subject matter make it impossible that it should have  
8 effect as modified in the manner provided by this subparagraphs have effect  
9 from the appointed day so far it relates to property transferred by this Act to  
10 the Institute as if:

Transitional  
Provisions as to  
Properties, etc.

11 (a) the Institute had been a party to the agreement;

12 (b) for any reference (however worded 811d whether express or  
13 implied) to implied the incorporated Institute, there substituted as respects  
14 anything failing to be done on or transfer the commencement of this Act, a  
15 reference to Institute; and

16 (c) for any reference (however worded and whether express or  
17 implies) to a member or members of the council of the Incorporated Institute  
18 there were substituted, as respects anything failing to be done on or after the  
19 commencement of the Act as reference to member of members of Council  
20 under this Act.

21 (2) Other documents which offer, whether specially or generally to  
22 the Incorporated Institute shall be constructed in accordance with  
23 subparagraph (1) of this paragraph so far as applicable.

24 (3) Without prejudice to the generality to the foregoing provisions  
25 of this Schedule, where, by the operation of Section II of the Act, any right,  
26 liability or obligation vests in the Institute and all other persons shall, as  
27 from the commencement of this Act have same rights as to the taking or  
28 resisting of legal proceedings of the making or resisting of applications to  
29 any authority for ascertaining, perfecting or enforcing that right, liability or  
30 obligation of the Institute.

1 (4) Any legal proceeding or application to any authority pending on  
2 the commencement of this Act by or against the Incorporated Institute may be  
3 continued on or after that day or against the Institute.

4 (5) On the commencement of the Act, any person holding any paid  
5 appointment in the Incorporated Institute shall hold corresponding  
6 appointment in the Institute on the same terms and conditions as to tenure and  
7 otherwise and shall be entitled to receive remuneration both from the Institute  
8 in respect period of service.

9 (6) If the law in force at the place where any property transferred by  
10 this Act is situated provides for the registration or transfer property of this kind  
11 question (whether by reference to instrument of transfer or otherwise), the law  
12 shall, so far as it provided for alteration of a register (but not for avoidance to  
13 transfer, the payment of fees or any other matter) apply with the necessary  
14 modifications to the transfer of the property aforesaid, and for that officer to  
15 register the transfer accordingly.

16 (7) All regulations, rules and similar instruments made for the  
17 purpose of the Incorporated Institute and in force immediately before the  
18 coming into force of the Act this shall, except in so far as they are subsequently  
19 revoked or amended by any authority having power in that behalf, have effect  
20 with any necessary modification

21 PART IV - PROFESSIONAL DISCIPLINE

Establishment  
of the Disciplinary  
Committee and  
Investigating  
Panel

22 **24.**-(1) There shall be established a body to be known as Healthcare  
23 Managers Disciplinary Committee (in this Act referred to as "the Disciplinary  
24 Committee") which shall be charged with the duty of considering and  
25 determining any case referred to it by the panel established by the following  
26 provisions of this Act.

27 (2) The Disciplinary Committee shall consist of the chairman of the  
28 Institute and six other members of the Institute

29 (3) There shall be a body to be known as the Healthcare Managers  
30 Investigating Panel (in this Act referred to as "the Investigating Panel") which

1 shall be charged with the duty of:

2 (a) conducting preliminary investigation into any case where it is  
3 alleged that a registered person has misbehaved in his capacity as such or  
4 should for any other reason be the subject of proceedings before the  
5 Disciplinary Committee; and

6 (b) deciding whether the case should be referred to the Disciplinary  
7 Committee.

8 (4) The Investigating Panel shall be appointed by the Institute and  
9 shall consist of five members of the Institute.

10 (5) The provisions of the Second Schedule to this Act shall, so far  
11 as applicable to the Disciplinary Committee and the Investigating Panel  
12 respectively, have effect with respect to those bodies.

13 *[Second Schedule]*

14 **25.**-(1) The chairman shall preside at every meeting of the  
15 Disciplinary Committee.

Proceedings of  
the Disciplinary  
Committee

16 (2) At any meeting of the Disciplinary Committee three members  
17 shall form a quorum.

18 (3) Any question proposed for decision by the Disciplinary  
19 Committee shall be determined by the majority of the members present and  
20 voting at a meeting of the Disciplinary Committee at which a quorum is  
21 formed.

22 (4) At all meetings of the Disciplinary Committee each member  
23 shall have one vote and, in the event of an equality of votes, the chairman  
24 shall have, in addition to a deliberative vote, a casting vote.

25 **26.**-(1) Where:

Penalties for  
unprofessional  
conduct

26 (a) a person registered under this Act is convicted by any court or  
27 tribunal in Nigeria or elsewhere having power to award punishment for an  
28 offence (whether or not an offence punishable with imprisonment) which in  
29 the opinion of the Disciplinary Committee is incompatible with the status of  
30 such professional;

1 (b) a registered person is adjudged by the Disciplinary Committee to  
2 be guilty of infamous conduct in a professional respect; or

3 (c) the Disciplinary Committee is satisfied that the name of any  
4 person has been fraudulently registered, the Disciplinary Committee may give  
5 a direction under subsection (2) of this section.

6 (2) Where any of the conditions stipulated in subsection (1) of this  
7 section occurs, the Disciplinary Committee may give a direction under this  
8 subsection:

9 (a) ordering the Director-General to strike the person's name off the  
10 relevant part of the register;

11 (b) suspending that person from practice for such period as may be  
12 specified in the direction;

13 (c) reprimanding the person;

14 (d) ordering the person to pay to the Board any costs of and incidental  
15 to the proceedings incurred by the Institute; or

16 (e) cautioning him and binding him over for a period not exceeding  
17 one year on one or more conditions as to his conduct during that period, and any  
18 such direction may, where appropriate, include provision requiring the refund  
19 of moneys paid or the handing over of documents or any other thing as the case  
20 may require,

21 (3) In any inquiry under this section, any finding of fact which is  
22 shown to have been made in:

23 (a) any criminal proceedings in a court in Nigeria;

24 (b) any civil proceedings in a court in Nigeria, shall be conclusive  
25 evidence of the fact found.

26 (4) If after due inquiry the Disciplinary Committee is satisfied that  
27 during the period of binding over under paragraph (e) of subsection (2) of this  
28 section a person has not complied with the conditions imposed thereunder the  
29 Disciplinary Committee may, if it thinks fit, impose any one or more of the  
30 penalties mentioned in paragraphs (a), (b), (c) and (d) of that subsection.



1 (5) A certificate under the hand of the chairman that any costs have  
2 been ordered to be paid by a person under this section shall be conclusive  
3 evidence thereof.

4 27.-(1) If it is proved to the satisfaction of the Disciplinary  
5 Committee that any entry made in a register has been fraudulently or  
6 incorrectly made, the Disciplinary Committee may direct that the entry shall  
7 be struck off from the register.

Striking off entries  
from the register  
on the grounds of  
fraud or error

8 (2) A person may be registered in pursuance of any provisions of  
9 this Act notwithstanding that his name has been struck off in pursuance of a  
10 direction given under sub-section (1) of this section, but if his name was  
11 struck off on grounds of fraud he shall not be registered except an  
12 application in that behalf is made to the Disciplinary Committee; and on any  
13 such application the Disciplinary Committee may, if it thinks fit, direct that  
14 he shall not be registered or shall not be registered until the expiration of  
15 such period as may be specified in the direction.

16 (3) Any reference in this Act to the striking off from or the  
17 restoration to a register of the name of a person shall be construed as  
18 including a reference to the striking off from or the restoration of the register  
19 of any other registerable particulars relating to that person.

20 28.-(1) Where the name of a person has been struck off from the  
21 register in pursuance of a direction given under section 23 of this Act, the  
22 Disciplinary Committee may, if it thinks fit, at any time direct the restoration  
23 of the person's name to the register.

Restoration of  
registration

24 (2) An application for the restoration of a name to a register under  
25 this section shall not be made to the Disciplinary Committee before the  
26 expiration of such period from the date of the striking off (and where he has  
27 duly made such application, from the date of his last application) as may be  
28 specified in the direction.

29 (3) There shall be payable to the Institute by any person on the  
30 restoration of his name to a register in pursuance of a direction given under

Appeal to the  
Federal High  
Court

1 this section the like fees as would be payable by that person on first becoming  
2 registered in that register.

3 **29.-(1)** Where the Disciplinary Committee:

4 (a) makes a finding and imposes a penalty on a registered person  
5 under section 23 of this Act;

6 (b) rejects an application for restoration of a name to the register  
7 under section 24 of this Act; or

8 (c) directs the striking off of an entry from a register under section 25  
9 (1) of this Act, the Director-General shall give the person to whom the  
10 proceedings relate, notice in writing thereof and such person may, within  
11 twenty-eight days from the date of service on him of the notice, appeal to the  
12 Federal High Court.

13 (2) On any appeal under this section the Institute shall be the  
14 respondent.

15 (3) No direction for the striking off of the name of a registered person  
16 from a register under sections 23 and 25 of this Act shall take effect until the  
17 expiration of the time for appealing or if an appeal is brought, until such time as  
18 the appeal is disposed of, withdrawn or struck out for want of prosecution, as  
19 the case may be.

20 (4) The Federal High Court may, on an appeal under this section:

21 (a) confirm, vary or set aside any finding of fact, penalty imposed or  
22 direction given by the Disciplinary Committee;

23 (b) confirm the rejection of the Disciplinary Committee of the  
24 application for restoration or direct the restoration of the name to the register;

25 (c) remit the matter to the Disciplinary Committee for further  
26 consideration:

27 (d) make such other order as to costs or otherwise, as may, to it, seem  
28 just, but no proceedings before the Disciplinary Committee shall be set aside  
29 by reason only of informality in those proceedings which did not embarrass or  
30 prejudice the appellant.

## PART V - MISCELLANEOUS

**30.** Any power to make regulations, rules or orders conferred by this Act shall include:

(a) power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) power to make different provisions for different circumstances.

**31.** In this Act, unless the context otherwise requires:

"incorporated institute" means Institute of Healthcare Management of Nigeria Ltd by guarantee, incorporated under Companies and Allied Matters Act;

"accepted qualification" means a degree, diploma or other certificate prescribed by this Act;

"Institute" means the Institute of Healthcare Management of Nigeria established under section 1 of this Act;

"institution" means institutions approved for the purpose of training healthcare managers;

"healthcare management" means a specialized branch of management science which embraces all technical procedures associated with management of health facilities, personnel, projects, institutions and activities;

"Minister" means the Minister of Health;

"profession" means the healthcare management profession;

"register" means a register maintained under this Act and "registered" shall be construed accordingly;

"Director-General" means the CEO appointed under section 8 of this Act;

"registration certificate" means a registration certificate issued under section 9 of this Act; and

"student" means a person indentured and receiving basic training in an

Short Title 1 approved training school for the purpose of the profession covered by this Act.  
2 **32.** This Bill may be cited as the Institute of Healthcare Management  
3 (Registration, etc.) Bill, 2019.

4 SCHEDULES

5 FIRST SCHEDULE

6 [Section 1 (3)]

7 SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE

8 *Qualification and tenure of office of members*

9 1.-(1) A person other than a person appointed under section 2 (1) (a),  
10 (d), (f), (g) and (h) of this Act shall not be a member of the Institute unless he is a  
11 citizen of Nigeria and is fully registered as provided under this Act and in the  
12 case of the first members (members registered by the Incorporated Institute) of  
13 the Institute such a person shall be eligible for registration as a Healthcare  
14 Manager.

15 (2) Where a member of the Council ceases to hold office before the  
16 date when his/her term of office would have expired by the efflux ion of time,  
17 the constituency by whom he/she was appointed or elected shall appoint or  
18 elect, as the case may be, to fill the vacancy for the residue of the term  
19 aforesaid, so however that the foregoing provisions of this sub-paragraph shall  
20 not apply where a person holding office as a member of the Council the ceases  
21 to hold office at the time when the residue of his term does not exceed one year.

22 (3) Subject to the provisions of this paragraph, a member of the  
23 Council other than a public officer, shall hold office for a period of three years  
24 from the date of his election or appointment and shall be eligible for  
25 reappointment for a further period of two years; thereafter he shall no longer be  
26 eligible for reappointment.

27 (4) A member of the Council, other than a public officer, may resign  
28 his appointment by a letter addressed to the Chairman of Council and the  
29 resignation shall take effect from the date of the receipt of the letter.

30 (5) The Council may appoint any person who is registered to be a

1 temporary member of the Council during a long absence or the temporary  
2 incapacity by illness of any member; and that person may, while the  
3 appointment subsists, exercise the function of a member under this Act.

4 (6) The provisions of this paragraph shall have effect  
5 notwithstanding the provisions of section 11 of the Interpretation Act, which  
6 relates to appointment.

7 *[Cap. 123.]*

8 *Power of the Council*

9 2.-(1) The Council shall have powers to do anything which in its  
10 opinion is calculated to facilitate the carrying on of its activities under this  
11 Act.

12 (2) The Council shall not have power to borrow money or to  
13 dispose of any property but shall have power to pay remuneration (including  
14 pensions), allowances or expenses to any employee of the Institute or any  
15 other person so decided.

16 *Proceedings of the Council*

17 3.-(1) Subject to the provisions of this Act, the Council may make  
18 standing orders regulating the proceedings of the Council or of any  
19 committee thereof or elect a temporary vice chairman in the absence of the  
20 chairman for the conduct of the affairs of the Council.

21 *[Cap. 123.]*

22 (2) The quorum of the Council shall be seven and the quorum of  
23 any committee of the Institute shall be determined by the Council.

24 (3) At any time while the office of the chairman is vacant or the  
25 chairman is in the opinion of the Council temporarily or permanently unable  
26 to perform the functions of his office, the vice-Chairman shall perform those  
27 functions and references in this Schedule to the chairman shall be construed  
28 accordingly.

29 (4) Subject to the provisions of any applicable standing orders, the  
30 Council shall meet whenever summoned by the chairman; and if the

1 chairman is required to do so by notice given to him by not less than six other  
2 members, he shall summon a meeting of the Council to be held within twenty-  
3 one days from the date on which the notice is given.

4 (5) At any meeting of the Council, the chairman or, in his absence, the  
5 vice-chairman shall preside but if both are absent the members present at the  
6 meeting shall appoint one of their members to preside at that meeting.

7 (6) Where the Council wishes to obtain the advice of any person on a  
8 particular matter, the Council may co-opt him as a member for such period as it  
9 thinks fit, but a person who is a member by virtue of this sub-paragraph shall  
10 not be entitled to vote at any meeting of the Council and shall not count towards  
11 a quorum.

#### 12 *Committees*

13 4.-(1) The Council may appoint one or more committees to carry out  
14 on behalf of the Council such of its functions as the Institute may determine.

15 (2) A committee appointed under this paragraph shall consist of the  
16 number of persons determined by the Council and not more than one third of  
17 those persons may be persons who are not members of the Council; and a  
18 person other than a member of the Council shall hold office on the committee in  
19 accordance with the terms of the instrument by which he is appointed.

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

22 (4) A person other than a member of the Council shall hold office on a  
23 committee in accordance with the terms of the instrument by which he is  
24 appointed.

#### 25 *Miscellaneous*

26 5.-(i) the fixing of the seal of the Institute shall be authenticated by the  
27 signature of the chairman or of some other member authorized generally or  
28 specially by the Council to act for that purpose;

29 (ii) Any contract or instrument which if made or executed by a person  
30 not being a body corporate, would not be required to be under seal may be made

1 or executed by a person generally or specially authorized by the Council to  
2 act for that purpose.

3 SECOND SCHEDULE

4 [Section 21 (5)]

5 *Supplementary provisions relating to the Disciplinary Committee*  
6 *and the Investigating Panel*

7 THIRD SCHEDULE

8 [Sections 9 (1) (c) and 9 (4).]

9 *Accepted minimum qualification for the purpose of registration on the*  
10 *register established under this Act Profession accepted*  
11 *qualification for registration*

12 1. Final Professional Diploma of the Institute of Healthcare  
13 Management of Nigeria.

14 2. Bachelor degree, HND in Healthcare Management awarded by  
15 recognized institutions.

16 3. Bachelor degree in management, education, health, social  
17 sciences and a Professional Post Graduate Diploma awarded by Institute  
18 Healthcare Management of Nigeria or other recognized Institutions.

19 4. Bachelor degree in management, education, health and social  
20 sciences and a Master degree in Healthcare Management, Health Planning  
21 and the likes awarded by recognized institutions.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Healthcare Management Practitioners and to make provisions, amongst other things, for membership and the control of the profession of healthcare management.





# A BILL

## FOR

AN ACT TO AMEND NIGERIAN TECHNICAL AID CORPS ACT CAP N135  
LAWS OF THE FEDERATION OF NIGERIA 2004 AND FOR RELATED  
MATTERS, 2019

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

- 1           **1.** The Nigerian Technical Aid Corps Act Cap N135 LFN 2004 (in  
2           this Bill referred to as "the Principal Act") is amended as set out in this Bill. Amendment of  
the Principal Act
- 3           **2.-(i)** Section 2 (a) is amended as set out below: Amendment of  
Section 2
- 4           " To share Nigeria's know-how and expertise with the African,  
5           Caribbean and Pacific countries and any other countries/organizations that  
6           may from time to time be recommended by the Directorate as capable of  
7           partnering with Nigeria under the Scheme in pursuance of its stated  
8           objectives."
- 9           (ii) Section 2(2) (b) is amended as set out below:
- 10          " To give assistance on the basis of:
- 11          (i) The available manpower, skills and capabilities the Directorate  
12          can provide to the recipient countries; and
- 13          (ii) The assessed and perceived needs of the recipient countries."
- 14          (iii) Section 2(d) is amended as set out below:
- 15          " To facilitate 2. Section meaningful contact between the people of  
16          Nigeria and those of the recipient countries."
- 17          **3.** Section 3 (2) (a-c) is amendment as set out below: Amendment of  
Section 3
- 18          " The Board of the Directorate shall consist of:
- 19          (i) One person to be appointed by the President, Commander-in-  
20          Chief of the Armed Forces from each of the existing geo-political zones, one

	1	of whom would be the Chairman;
	2	(ii) The Director-General of the Directorate as the Chief Executive
	3	Officer; and
	4	(iii) One person to represent the Ministry of Foreign Affairs".
Amendment of Section 4	5	<b>4.</b> Section 4 is amended by inserting a new (i) as set out below:
	6	"The directorate shall undertake the periodic monitoring of the
	7	activities of volunteers in their countries of deployment with a view to
	8	optimizing the realization of the objectives of the Scheme. The monitoring
	9	exercise shall be carried out on quarterly basis by officers of the Directorate."
Short Title	10	<b>5.</b> This Bill may be cited as Nigerian Technical Aid Corps Act
	11	(Amendment) Bill, 2019.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend Nigerian Technical Aid Corps Act Cap N135 Laws of the Federation of Nigeria 2004.

# A BILL

## FOR

AN ACT TO ESTABLISH THE DIRECTORATE OF TECHNICAL COOPERATION  
IN AFRICA AND FOR RELATED MATTERS, 2019

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT, MEMBERSHIP, FUNCTIONS AND POWERS OF  
2 THE DIRECTORATE OF TECHNICAL COOPERATION IN AFRICA

3 1.-(1) There is hereby established a body to be known as the Establishment of  
4 Directorate of Technical Cooperation in Africa (in this Bill referred to as the the Directorate  
5 "Directorate"). of Technical  
Africa

6 (2) The Directorate shall be a body corporate with perpetual  
7 succession and a common seal and may sue and be sued in its corporate  
8 name.

9 2.-(1) There is hereby established for the Directorate, a Governing Establishment  
10 Board (in this Bill referred to as "the Board") which shall be responsible for of the Board  
11 the management of the affairs of the Directorate.

12 (2) The Board shall consist of the following members:

13 (a) the Minister as Chairman;

14 (b) a representative of each of the following Ministries, being  
15 persons not below the rank of Director appointed by their respective  
16 Ministers:

17 (i) the Federal Ministry of Science and Technology;

18 (ii) the Ministry of Foreign Affairs;

19 (iii) the Federal Ministry of Finance;

20 (c) the Director-General of the Directorate;

21 (d) Director Legal who shall act as the Secretary to the Board.

Schedule	1	(4) The supplementary provisions set out in the Schedule to this Bill
	2	shall have the effect with respect to the proceedings of the Board and the other
	3	matters contained therein.
Tenure of office	4	<b>3.-(1)</b> The three other members of the Board, referred to in section 2
	5	subsection (2) paragraph (c), shall each hold office for a period of 4 years on
	6	such terms and conditions as may be specified in their letters of appointment
	7	and may be re-appointed for one further period of 4 years and no more.
	8	(2) Notwithstanding the provisions of subsection (1) of this section,
	9	any member of the Board may, at any time, be removed from office by the
	10	Minister, with the approval of the President, for inability to discharge the
	11	functions of his office, (whether arising from infirmity of mind or body or any
	12	other cause), or for corrupt practices or any act of misconduct.
	13	(3) A member of the Board may at any time resign his office by a letter
	14	addressed to the President.
Allowances, benefits etc.	15	<b>4.</b> The Chairman and members of the Board shall be paid such
	16	allowances and benefits as may be determined, from time to time, by the
	17	Revenue Mobilization, Allocation and Fiscal Commission.
Functions of the Directorates	18	<b>5.</b> The Directorate shall-
	19	(a) promote technology transfer through technical cooperation
	20	between Nigeria and other countries in Africa;
	21	(b) facilitate capacity building in research and development;
	22	(c) promote the exchange of high-level research experts in science,
	23	technology and the humanities;
	24	(d) generate new ideas for African development through cooperative
	25	research and development activities;
	26	(e) promote the reversal of the trend of brain drain from Africa to the
	27	developed countries and promote the movement of high skilled manpower
	28	within Africa and from developed countries;
	29	(f) facilitate cooperation and integration in Africa through technology
	30	transfer and the diffusion of innovations;

1 (g) provide sustainable funding for the Scientific and Technical  
 2 Exchange Programme (STEP); and  
 3 (h) provide database of all Nigerian experts in the humanities, arts,  
 4 science and technology.

5 **6.** The Directorate shall have power to-

Powers of the  
Directorates

6 (a) enter into collaborative and cooperation agreements or  
 7 arrangements with international agencies and organizations in respect of  
 8 international cooperation and regional integration particularly in Africa; and

9 (b) carry out consensus building and awareness programmes  
 10 among countries in Africa on matters relating to international cooperation  
 11 and integration.

12 **PART II - ESTABLISHMENT OF THE NIGERIA TECHNICAL**

13 **COOPERATION FUND**

14 **7.-** (1) The Directorate shall establish and maintain a Fund with the  
 15 African Development Bank Group to be known as the Nigeria Technical  
 16 Cooperation Fund (in this Bill referred to as "the Fund") pursuant to the  
 17 Technical Cooperation Agreement between the Government of Nigeria and  
 18 the African Development Bank Group.

Establishment,  
etc. of the  
Nigeria Technical  
Cooperation Fund

19 (2) The Fund established pursuant to subsection (1) of this section  
 20 shall consist of money accruing from the resources of the Nigerian Trust  
 21 Fund with the African Development Bank.

22 (3) The Fund shall be co-managed with the African Development  
 23 Bank and shall be utilized in financing the activities of the Directorate as  
 24 specified in the Technical Cooperation Agreement.

25 (4) The African Development Bank shall furthermore, on the  
 26 advice of the Directorate from time to time, defray from the Fund expenses  
 27 relating to, among other things, costs, remuneration, allowances and  
 28 benefits of experts selected, approved and engaged by the Directorate for its  
 29 programmes. The Directorate shall howsoever not be allowed to draw  
 30 directly from the Fund.

	1	PART III - STAFF OF THE DIRECTORATE
Director-General and staff of the Directorate	2	<b>8.-(1)</b> There shall be for the Directorate, a Director General who shall
	3	be appointed by the President and shall be the Chief Executive and Accounting
	4	Officer of the Directorate responsible for the execution of policy and the day-
	5	to-day running of the affairs of the Directorate.
	6	(2) The Director General shall hold office for a term of 4 years in the
	7	first instance and may be re-appointed for a further term of 4 years and no more
	8	on such terms and conditions as may be specified in his letter of appointment.
	9	(3) The Board shall appoint for the Directorate such other staff as it
	10	may deem necessary and expedient, from time to time, for the proper and
	11	efficient performance of the functions of the Directorate.
	12	(4) The terms and conditions of service including remuneration,
	13	allowance, benefits and pensions of officers and employees of the Directorate
	14	shall be determined by the Board after consultation with the National Salaries
	15	and Wages Commission.
	16	(5) Without prejudice to any future re-structuring, the Directorate
	17	shall for the smooth running of its affairs and in pursuance of its set goals and
	18	objectives, have among others the following-
	19	(a) Departments:
	20	(i) Administration;
	21	(ii) Diaspora;
	22	(iii) Finance;
	23	(iv) Programme Management;
	24	(v) Research Monitoring and Information Services; and
	25	(vi) Legal.
	26	(b) Units:
	27	(i) Anti-Corruption and Transparency;
	28	(ii) Internal Audit;
	29	(iii) Public Relations; and
	30	(iv) SERVICOM.



	1	(b) the payment of salaries, fees, remuneration, allowances and such
	2	other moneys payable to members of the Board, employees and/or officers of
	3	the Directorate;
	4	(c) the payment for all contracts, including mobilization, fluctuations,
	5	variations, legal fees and costs on contract administration;
	6	(d) the payment for all purchases; and
	7	(e) undertaking such other activities as are connected with all or any
	8	of the functions of the Directorate under this Bill.
Power to borrow	9	<b>11.</b> The Directorate may, with the approval of the Minister or in
	10	accordance with the general authority given by the Federal Government,
	11	borrow by way of loan or overdraft from any source any moneys required by
	12	the Directorate to meet its obligations and its functions under this Bill.
Power to accept gifts	13	<b>12.-(1)</b> The Directorate may accept any gift of land, money or other
	14	property on such terms and conditions, if any, as may be specified by the person
	15	or organization making the gift.
	16	(2) The Directorate shall not however accept any gift if the conditions
	17	attached by the Person or organization offering the gift are inconsistent with the
	18	functions of the Directorate or the policy of the Federal Government of
	19	Nigeria.
Investment Act, Cap. 449, LFN	20	<b>13.</b> The Directorate may, with the approval of the Minister, invest any
	21	of its funds in any security prescribed by the Trustee Investments Act or in such
	22	other securities in accordance with the provisions of this Bill and the conditions
	23	of any trust created in respect of any property.
Annual estimates and accounts	24	<b>14.-(1)</b> The Directorate shall, not later than the 30th day of September
	25	in each year, submit to the Minister through the Board, budgetary estimates of
	26	its expenditure for the following year.
	27	(2) The Directorate shall keep proper accounts in respect of each year
	28	and proper records in relation to those accounts and shall cause its accounts to
	29	be audited within six months after the end of each year by auditors appointed in



1 accordance with the guidelines supplied by the Auditor-General of the  
2 Federation.

3 **15.** The Directorate shall, not later than six months after the end of  
4 each year and in collaboration with the African Development Bank, prepare  
5 and submit annual report to the Federal Executive Council through the  
6 Board and the Minister, in such form as may be prescribed by the Minister,  
7 on the activities of the Directorate during the preceding year and such report  
8 shall include a copy of the audited accounts of the Directorate for that year  
9 and the auditors' report on the accounts.

Annual report  
of the Directorate

10 **PART V - LEGAL PROCEEDINGS**

11 **16.-(1)** Subject to the provisions of this Bill, the provisions of the  
12 Public Officers Protection Act shall apply in relation to any suit instituted  
13 against any officer or employee of the Directorate.

Limitation of the  
suits against the  
Directorate, etc.  
Cap. 379, LFN

14 (2) No suit against the Directorate, a member of the Board or the  
15 Director-General or any officer or employee of the Directorate for any act  
16 done or omitted to be done or any alleged neglect or default in pursuance or  
17 execution of the functions of the Directorate or in exercise of any powers  
18 pursuant to this Bill or any other enactment or law, or of any public duty or  
19 authority shall lie or be instituted unless it is commenced-

20 (a) within twelve months next after the act, omission, neglect or  
21 default complained of; or

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

24 (3) No suit shall be commenced against the Directorate, a member  
25 of the Board or the Directorate-General or any officer or employee of the  
26 Directorate before the expiration of a period of one month after written  
27 notice of intention to commence the suit shall have been served on the  
28 Directorate by the intending plaintiff or his agent.

29 (4) The notice referred to in subsection (3) of this section shall  
30 clearly and explicitly state the cause of action, the particulars of the claims,

	1	the name and place of abode of the intending plaintiff and the relief which he
	2	claims.
Service of documents	3	<b>17.</b> A notice, summons or other document required or authorized to
	4	be served on the Directorate under the provisions of this Bill or any other
	5	enactment or law may be served by delivering it to the Director-General or by
	6	sending it by registered post and addressed to the Director-General at the
	7	principal office of the Directorate.
Restriction of execution against the property of the Directorate	8	<b>18.-(1)</b> In any action against the Directorate, no execution or
	9	attachment of process in the nature thereof shall be issued against the
	10	Directorate unless a prior notice, of not less than three months, of the intention
	11	to execute or attach has been given to the Directorate
	12	(2) Any sums of money which by the judgment of any court, awarded
	13	against the Directorate shall, subject to any direction given by the court where
	14	notice of appeal against the judgment has been given, be paid from the Fund of
	15	the Directorate with the African Development Bank.
Indemnity of Officers	16	<b>19.</b> A member of the Board or the Director-General or any officer or
	17	employee of the Directorate shall be indemnified out of the assets of the
	18	Directorate against any liability incurred by him in defending any proceeding,
	19	whether civil or criminal, if the proceeding is brought against him in his
	20	capacity as a member of the Board, Director-General, officer or employee of
	21	the Directorate.
Secrecy	22	<b>20.-(1)</b> A member of the Board or the Director-General or any officer
	23	or employee of the Directorate shall-
	24	(a) not, for his personal gain, make use of any information which has
	25	come to his knowledge in the exercise of his powers or is obtained by him in the
	26	ordinary course of his duty as a member of the Board or as the Director-
	27	General, officer or employee of the Directorate;
	28	(b) treat as confidential any information which has come to his
	29	knowledge in the exercise of his powers or is obtained by him in the
	30	performance of his duties under this Bill;

1 (c) not disclose any information referred to under paragraph (b) of  
 2 this subsection except when required to do so by any court or in such other  
 3 circumstances as may be prescribed, from time to time, by the Committee.

4 (2) Any person who contravenes the provisions of subsection (1) of  
 5 this section commits an offence and is liable on conviction to a fine not  
 6 exceeding N500,000 or imprisonment for a term not exceeding 2 years or to  
 7 both such fine and imprisonment.

8 **PART VI -MISCELLANEOUS PROVISIONS**

9 **21.** Subject to the provisions of this Bill, the Minister may give to  
 10 the Directorate directives of a general nature or relating generally to matters  
 11 of policy with respect to the performance by the Directorate of its functions  
 12 and it shall be the duty of the Directorate to comply with the directives.

Directives by the  
Minister, etc.

13 **22.** The Minister may, on the recommendation of the Directorate,  
 14 make Regulations generally for the purposes of this Bill or for giving effect  
 15 to the provisions of this Bill.

Powers to make  
regulations

16 **23.** In this Bill, except the context otherwise requires- Interpretation

17 "Directorate" means the Directorate of Technical Cooperation in Africa  
 18 established under section 1 of this Bill;

19 "Board" means the Governing Board established under section 2 of this Bill.

20 "Minister" and "Ministry" means the Minister and Ministry respectively  
 21 charged with the responsibility for matters relating to Cooperation and  
 22 Integration in Africa;

23 "Technical Cooperation" includes but is not limited to any arrangement or  
 24 measures for collaborative interactions between nations or organizations on  
 25 matters relating to technical expertise; technology transfer; capacity  
 26 building; research and development; project or programme formulation  
 27 and implementation; funding; etc.

28 **24.** This Bill may be cited as Directorate of Technical Cooperation Citation  
 29 in Africa (Establishment, etc.) Bill, 2019.

1 SCHEDULE

2 *Section 2 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4

5 1. The Board shall for the purposes of this Bill, meet quarterly in each  
6 year and whenever it is summoned by the Chairman.

7 2. Where the Board desires to obtain the advice of any person on a  
8 particular matter, the Board may co-opt him for such period as it thinks fit; but a  
9 person who is a member by virtue of this paragraph shall not be entitled to vote  
10 at any meeting of the Board and shall not count towards a quorum.

11 3.-(1) The Board may appoint one or more subcommittees to carry  
12 out, on behalf of the Board, such of its functions under this Bill as the Board  
13 may determine.

14 (2) A subcommittee appointed under this paragraph shall consist of  
15 such number of persons (not necessarily members of the Board) as may be  
16 determined by the Board; and a person, other than a member of the Board shall  
17 hold office on the subcommittee in accordance with the terms of his  
18 appointment.

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

21 4.-(1) Fixing of the seal of the Directorate shall be authenticated by  
22 both the signature of the Chairman or of any other person authorized generally  
23 or specifically to act for that purpose by the Board or Directorate and the  
24 Director General.

25 (2) Any contract or instrument, which if made or executed by a person  
26 not being a body corporate, would not be required to be under seal may be made  
27 or executed on behalf of the Board or Directorate by the Director General or  
28 any person generally or specially authorized by the Board to act for the  
29 purpose.

30 (3) Any document purporting to be a document duly executed under

1       the seal of the Directorate shall be received in evidence and shall, unless and  
2       until the contrary is proved, be presumed to be so executed.

3               5. The validity of any proceeding of the Board or of a sub-  
4       committee thereof shall not be adversely affected by any vacancy in the  
5       membership of the Board or of a subcommittee, or by reason that a person  
6       not entitled to do so took part in the proceedings of the Board subcommittee.

7               6.-(1) Any member of the Board who is directly or indirectly  
8       interested in any matter being deliberated upon or considered by the Board  
9       or is interested in any contract made or proposed to be made by the  
10      Directorate shall, as soon as possible after relevant facts have come to his  
11      knowledge, disclose the nature of his interest in writing or at a meeting of the  
12      Board.

13              (2) A disclosure made under subparagraph (1) of this paragraph  
14      shall be recorded in the minutes of meetings of the Board considering the  
15      matter or contract in respect of which the interest was disclosed and the  
16      member shall not participate in the meeting.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to  
explain its purport)*

This Bill seeks to establish the Directorate of Technical Cooperation in Africa to, among other things, coordinate, facilitate and promote technological transfer through technical cooperation between Nigeria and other African Countries in order to stimulate growth and development.



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NEW PARTNERSHIP  
FOR AFRICA'S DEVELOPMENT COMMISSION AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

### 1 PART I - ESTABLISHMENT OF THE NEW PARTNERSHIP FOR AFRICA'S 2 DEVELOPMENT COMMISSION

3 1.-(1) There is hereby establish a body to be known as the New Establishment  
4 Partnership for Africa's Development Commission" (in the Bill referred to of the New  
5 as "the Commission"). Partnership  
Africa's  
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 (c) may enter into contracts and incur obligations.

11 2. The objectives of the Commission shall be:

Objectives of  
the Commission

12 (a) to place Nigeria on the path of sustainable growth and  
13 development;

14 (b) to halt Nigeria's marginalization in the globalization process  
15 and enhance its full and beneficial integration into the global economy;

16 (c) to promote good governance in both the private and public  
17 sector of the economy;

18 (d) to eradicate extreme poverty and hunger;

19 (e) to promote women empowerment.

Establishment,  
membership and  
appointment of  
the Board

20 3.-(1) There is established for the Commission a Board (in this Bill

	1	referred to as "a Board" charged with the administration of the affairs of the
	2	Commission.
	3	(2) The Board shall consist of:
	4	(a) the Chairman;
	5	(b) Minister of Foreign Affairs;
	6	(c) Minister of National Planning Commission;
	7	(d) Minister of Finance;
	8	(e) 2 members from Civil Society Organization;
	9	(f) 2 members from the organized private sector;
	10	(g) in the event any of the members mentioned in (b)-(d) above cannot
	11	attend the Board meeting(s), he shall be represented by an officer of the
	12	Ministry not less than the rank of a Director.
	13	(3) The members of the Board shall be nominated by the President
	14	and be confirmed by the Senate of the Federal Republic of Nigeria with the
	15	exception of section 3 (2) (b), (c) and (d) above.
Tenure of Office	16	4. The Board shall make Standing Orders regulating its
	17	proceedings.
Appointment of Secretary	18	5.-(1) There shall be appointed for the Commission a Secretary who
	19	shall subject to the general direction of the Chairman be responsible for
	20	keeping the records of the Commission and general administration and control
	21	of the Commission.
	22	(2) The Secretary shall be appointed by the President for a term of four
	23	(4) years and may be re-appointed for another term of four years and no more.
Cessation of membership	24	6. The office of the member of the Board shall become vacant if:
	25	(a) he resigns his appointment by notice in writing under his hand
	26	addressed to the President, and accepted by him;
	27	(b) the President is satisfied that it is not in the interest of the
	28	Commission or of the public for the appointed to continue in office;
	29	(c) he dies;



1 (d) he becomes of unsound mind or incapable of carrying out his  
2 duties;

3 (e) he becomes bankrupt;

4 (f) he is guilty of gross misconduct relating to his duties;

5 (g) a member shall cease to be a member of the Board if:

6 (i) he ceases to be a member of the organization writes a  
7 notification on the withdrawal of such representative;

8 (ii) he ceases to represent the interest group on whose platform he  
9 becomes a member;

10 (h) where a vacancy occurs in the membership of the Board, it shall  
11 be filled by the appointment of a successor to hold office for the remainder of  
12 the term of office of his predecessor and the successor shall represent the  
13 same interest as his predecessor.

14 7. The Board shall:

Functions of the  
Board

15 (a) advise the Federal Government generally on matters relating to  
16 the New Partnership for Africa's Development and African Peer Review  
17 Mechanism;

18 (b) approve the appointment of Directors of the Commission;

19 (c) be the governing authority responsible for supervising the  
20 activities of the Commission and for the formulation of its policies and also  
21 superintend generally the affairs of the Commission, promoting the  
22 interests, objectives and purpose of the Commission;

23 (d) establish Committees as may be expedient which shall be  
24 charged with specific functions delegated by the Board;

25 (e) appoint, promote and discipline employees for the proper  
26 discharge of the functions of the Commission;

27 (f) establish, encourage and promote capacity development  
28 programmes for the employees of the Commission;

29 (g) make standing orders regulating its proceedings and those of its  
30 Committee; and

Functions of  
the Commission

1 (h) give such directives and perform such other functions as may be  
2 necessary to achieve the objectives of the Commission.

3 **8.** The functions of the Commission shall be to:

4 (a) mainstream and domesticated principles, core values and sectoral  
5 priorities into National Planning Processes;

6 (b) develop and promote participatory mechanisms in planning,  
7 monitoring and delivery effective public services;

8 (c) a knowledge based organization, translate objective and policy  
9 priorities into tangible reform activities based on principles of best practices of  
10 Good Governance;

11 (d) to be a repository of best practices, methodology and tools in  
12 government (public) service;

13 (e) carry out research/studies in the fields of socio-economic,  
14 political and technological issues that help to impact on NEPAD development  
15 agenda, especially for improvement in policies, processes and service  
16 delivery;

17 (f) develop and promote a network of alliances stakeholders at the  
18 Federal, State and Local Government levels as well as with non-governmental  
19 organizations and international organizations to foster result - focused good  
20 governance;

21 (g) disseminate information on NEPAD programmes and activities to  
22 the public;

23 (h) work closely with relevant organs of the Nigeria Government on  
24 foreign technical assistance programmes that support the NEPAD plan of  
25 action;

26 (i) serve as NEPAD focal point and participate regularly in  
27 international meetings on issues concerning Africa's development;

28 (j) monitor all institutions processes and activities in the country  
29 relevant to the pursuance of NEPAD objectives;

30 (k) monitor and evaluate the implementation of NEPAD's

1 Programme in the Ministries, Department and Agencies (MDA's) and  
2 ensure compliance with NEPAD goals;

3 (l) carry out sectoral pilot schemes of the programmes of projects  
4 as may be determined by the Commission;

5 (m) provide secretariat services to the National Council on African  
6 Peer Review Mechanism;

7 (n) convene meetings of relevant stakeholders in any state in  
8 Nigeria including the Federal Capital Territory (FCT);

9 (o) promote and encourage bilateral and multilateral cooperation at  
10 regional and continental levels; and

11 (p) any other function that may be assigned from time to time by  
12 the Board.

13 **9.-(1)** The Chairman shall be paid such remuneration and Emolument  
14 allowances as may be determined by the Revenue Mobilization, Allocation  
15 and Fiscal Commission.

16 (2) The members of the Board shall be entitled to allowances as  
17 may be approved by the Board.

#### 18 PART II - STRUCTURE OF THE COMMISSION

19 **10.** There is established in the Commission, the following Structure of the  
20 Departments: Commission

21 (a) Administration and Finance;

22 (b) Governance;

23 (c) Partnership;

24 (d) Planning, Research and Evaluation;

25 (e) and such other departments and units as the Commission may  
26 establish with the approval of the Board.

#### 27 PART III - STAFF OF THE COMMISSION

28 **11. -(1)** The Chairman shall be the Chief Executive officer of the Duties of the  
29 Commission. Chairman

	1	<i>Staff of the Commission</i>
	2	(2) (a) The Commission may appoint such number of officers as may
	3	be expedient for the effective discharge of the objectives of the Commission;
	4	(b) On coming into force of this Bill, any staff who so wishes may opt
	5	out of the Commission within three months of coming into force of this Bill.
Delegation to powers	6	<b>12.</b> Unless otherwise precluded by this Bill, the Commission may
	7	exercise any power and perform any of the functions and duties conferred on it
	8	by this Bill through or by its officers and staff duly authorized.
Condition of Service	9	<b>13.</b> -(a) The Commission shall develop and submit to the Board for
	10	approval, appropriate condition of service covering remunerations, welfare
	11	packages, pension scheme, fringe benefits and other benefits which would
	12	enable it attract and retain high quality manpower;
	13	(b) Notwithstanding the provisions of the Pensions Act, service in the
	14	Commission shall be approved schedule of service for the purposes of this Bill,
	15	and accordingly officers and staff of the Commission shall in respect of their
	16	service in the Commission, be entitled to pensions, gratuities and other
	17	retirement benefits as prescribed under the Pensions Act;
	18	(c) Notwithstanding the provisions for this section, nothing in this
	19	Bill shall prevent the appointment of a person to any office on terms which
	20	preclude the granting of a pension, gratuity or other retirement benefit in
	21	respect of that office;
	22	(d) For the purpose of the application of the Pension Act, any power
	23	exercise by a Minister or other Authority of the Federal Government, other
	24	than the power to make regulations under section 23 of the Act thereof, is
	25	hereby vested in and shall be exercisable by the Commission and not by any
	26	other person or authority.
Appointment, promotion and discipline of officers	27	<b>14.</b> -(1) Appointment and promotion into any posts shall be made
	28	from time to time by the Commission in accordance with the requirements by
	29	it.
	30	(2) The Commission shall also have the power to discipline any staff e

1 of the Commission in accordance with its regulations.

2           **15.** The Commission may make such regulations with respect to  
3 the exercise of any of the duties, functions or powers of the Commission  
4 under this Bill.

Powers to make  
regulations

5           **16.**-(1) There shall be establish in each State of the Federation  
6 including the Federal Capital Territory (FCT) by the respective State  
7 Government a NEPAD State Office for the propagation of NEPAD  
8 objectives and programmes;

Establishment of  
state offices

9           (2) The State NEPAD Office shall be headed by an Officer not less  
10 than a Special Adviser to the Governor and shall be of Cabinet rank;

11           (3) The State shall ensure that functional Offices are established in  
12 all its Local Government Areas for effective dissemination and delivery of  
13 NEPAD programmes and projects.

14           **17.** The Commission shall have the powers to:

Powers of the  
Commission

15           (a) purchase or take a lease of any land, building or property;

16           (b) build, equip and maintain offices and premises for the  
17 performance of its functions under this Bill;

18           (c) lease any office or premises, properties and assets held by it;

19           (d) open and operate ordinary and domiciliary accounts for the  
20 Commission in recognized Banking institutions;

21           (e) accept gifts of lands, money or other properties, upon such  
22 terms and conditions, as may be specified by the person or organization and  
23 conditions, as may be specified by the person or organization giving the  
24 gift, as long as such conditions are consistent with the functions of the  
25 Commission;

26           (f) establish representative offices in all Federal Ministries,  
27 Department and Agencies, for the domestication and implementation of  
28 NEPAD plan of action;

29           (g) certify and register Civil society Organizations, and  
30 Private/Public Sector Organizations wishing to partner in the

	1	implementation of NEPAD plan of action.
Membership of APRM Council	2	<b>18.</b> There shall be established an APRM Council consisting of
	3	representatives of the organized private sector, civil society organizations and
	4	private individuals who shall be responsible for the activities of the APRM
	5	(African Peer Review Mechanism).
Membership of project monitoring board of committee	6	<b>19.</b> Without prejudice to any other law the Commission shall be a
	7	member of any Board or Committee of the Federal government that may be
	8	established for monitoring the implementation of government projects.
	9	PART IV - FINANCIAL PROVISION
Funds of the Commission	10	<b>20.-(1)</b> There shall be established and maintained for the Commission
	11	a Fund, to be approved by the Commission from which shall be paid all
	12	expenditures incurred by it and which shall be applied towards the promotion
	13	of the objectives of the Commission.
	14	(2) There shall be paid, credited and retained in the Fund established
	15	pursuant to subsection (1) of this section-
	16	(a) the annual subvention received from the Government of the
	17	Federation;
	18	(b) such monies as may, from time to time, be lent, deposited with or
	19	granted to the Commission by the Government of the Federation, the State or
	20	Local Government, or any other body;
	21	(c) all subventions, fees and charges for services rendered or
	22	publications made by the Commission;
	23	(d) all monies as may be raised for the purpose of the Commission by
	24	way of gift, loan, grants- in-aid from continental, regional, sub-regional,
	25	bilateral, multilateral and local Agencies, testamentary disposition etc.
	26	(e) all interest received in respect in respect of monies invested by the
	27	Commission; and
	28	(f) all other assets which may, from time to time accrue to the
	29	Commission.

1	<b>21.-(a)</b> There shall be established and replenished annually a fund	Intervention fund
2	for the Commission for possible intervention in the areas under its purview	
3	based on guidelines prescribed by it.	
4	<b>(b)</b> The relevant stakeholders shall have access to this fund having	
5	satisfied the guidelines that may be prescribed by the Commission.	
6	<b>(c)</b> The Commission may directly apply the fund it so wishes in the	
7	areas of intervention.	
8	<b>22.</b> The fund of the Commission shall be managed in accordance	Expenditure of the Commission
9	with the rules made by it which shall be in conformity with the Federal	
10	Government Accounting Rules.	
11	<b>23.</b> The Commission shall keep proper accounts in a form which	Accounts/Audit
12	conforms with existing laws on auditing of its receipts, payments, assets and	
13	liabilities, and shall submit the account annually for auditing by qualified	
14	auditors from the list of auditors supplied by the Auditor General of the	
15	Federation.	
16	<b>24.</b> The Commission may, with the consent of or in accordance	Powers to borrow
17	with the general authority given by the Federal Government to the	
18	Commission borrow by way of loan or overdraft from any bank or other	
19	financial Institutions to meet its obligations and discharge of its functions.	
20	<b>25.</b> The Commission may, subject to the provisions of this Bill and	Powers to invest
21	the conditions of any trust created in respect of any property, invest all or any	
22	of its funds as may be approved by the Board.	
23	<b>26.</b> The Commission shall be responsible for the supervision of all	Powers to supervise
24	bodies, dealing on NEPAD programmes, projects or activities.	
25	<b>27.</b> The Commission shall within six months after the end of each	Annual report
26	financial year submit to the President, a report on the activities of the	
27	Commission including the state of implementation of NEPAD Plans of	
28	Action and its administration during the preceding year and shall include in	
29	such Report a copy of the audited account of the Commission for that year	
30	and the Auditors report thereon.	

	1	PART V - MISCELLANEOUS PROVISION
Limitation of actions	2	<b>28.-(1)</b> Notwithstanding anything to the contrary contained in any
	3	other law, no action shall be instituted against the Commission in respect of any
	4	act, neglect, or default done or omitted to be done by any officer, servant or
	5	agent of the Commission in his capacity as an officer, servant or agent of the
	6	commission with regard to the regulations made pursuant to section 14 of this
	7	Bill unless it is commenced within three months next after the act or negligence
	8	complained of, or in the case of a continuing damage or injury, within three
	9	months after the ceasing thereof.
	10	(2) No suit shall be commenced against the Commission before the
	11	expiration of a period of one month of intention to commence the suit shall
	12	have been served on the Commission by the intending plaintiff or his
	13	authorized agent and the notice shall clearly and explicit state:
	14	(a) the cause of action;
	15	(b) the particulars of the claim;
	16	(c) the name and place of abode of the intending plaintiff; and
	17	(d) the relief which he claims.
Indemnity of officers	18	<b>29.</b> A member of the Board or the Chief Executive Officer or any staff
	19	of the Commission shall be indemnified by the Commission against any
	20	liability incurred by him in the course of defending any proceeding, whether
	21	civil or criminal, provided the litigation arose from the performance of his
	22	duty.
Interpretation	23	<b>30.</b> In this Bill, unless the context otherwise requires:
	24	"Assets" - including tangible and intangible things which have been or may be
	25	sold or procured for consideration;
	26	"Bodies" means groups, clubs, associations or any agency that the Government
	27	may establish;
	28	"NEPAD Programme" - this refers to all activities contained in the NEPAD
	29	Plan of Action;
	30	"National Programme of Action (NPoA)" - The NPoA is a document that



1 contains national best practices, governance challenges as well as  
2 recommendations on policies and practices required to overcome such  
3 challenges which are identified in the Country Self-Assessment Report  
4 (CSAR) and the Country Review Report, (CRR);  
5 "NEPAD Plan of Action" - This refers to the NEPAD's strategy for achieving  
6 sustainable development in the 21st Century;  
7 "Partners"-means CSO's, NGO's MDA's, Corporate Bodies (both local and  
8 international) and such other bodies that the Commission may deem fit to  
9 collaborate and work with on any programme or project;  
10 "Six Geo-Political Zones"-means:  
11 North -West  
12 North - East  
13 North - Central  
14 South - East  
15 South - South  
16 South - West

17 **31.** This Bill may be cited as the New Partnership for Africa's Citation  
18 Development Commission Bill, 2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the New Partnership for Africa's Development Commission.



# A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN TOURISM DEVELOPMENT CORPORATION ACT, CAP. N 137, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIAN TOURISM DEVELOPMENT AUTHORITY BILL; AND FOR RELATED MATTERS, 2019

*Sponsored by Hon. Jimoh Olajide*

[ ] Commencement

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

1	<b>1.-(a)</b> There is hereby established, an Authority to be known as the	Establishment
2	Nigerian Tourism Development Authority (in this Bill referred to as "the	of the Nigerian
3	Authority");	Tourism Development Authority

(b) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.;

7 *Schedule 1*

(c) The supplementary provision contained in the First Schedule to this Bill shall, where applicable have effect with respect to the proceedings of the Authority and the other matters mentioned therein.

11	<b>2.</b> There is established a Governing Board of the Authority which	Membership of
12	shall consist of the following:	the Governing Board

13 (a) a part time Chairman who shall be appointed by the President  
14 and shall be a person of proven integrity and experience in the field of  
15 hospitality, travel and tourism;

16 (b) Director General:

17 (c) two representatives of the Federation of Tourism Association of  
18 Nigerian (FTAN);

19 (d) one member representing public interest who must be a private

	1	tourism practitioner;
	2	(e) a representative each of the Federal Ministries/Agencies charged
	3	with the responsibility for matters relating to:
	4	(i) Foreign Affairs;
	5	(ii) Immigration;
	6	(iii) Industry, Trade and Investment;
	7	(iv) Environment;
	8	(v) Customs;
	9	(vi) Culture and Tourism;
	10	(vii) Nigerian Investment Promotion Commission (NIPC);
	11	(viii) representative of Nigerian Police;
	12	(ix) National Institute of Hospitality and Tourism Development
	13	Studies (NIHOTOUR);
	14	(x) Standard Organization of Nigeria (SON).
Tenure of Office	15	<b>3.</b> Subject to the provision of this Bill, a person appointed to be a
	16	member of the Board of the Authority and not being an ex-officio member shall
	17	hold office for a period of three years from the date of his appointment and may
	18	be re-appointed for a further term of three years and no more.
Resignation	19	<b>4.</b> Any member of the Board of the Authority not being an ex-officio
	20	member may resign his appointment by a letter addressed to the Minister
	21	through the Chairman.
Remuneration and allowances	22	<b>5.</b> A member of the Board of the Authority not being an ex-officio
	23	member shall be paid such remuneration and allowances as the President may,
	24	from time to time, direct.
Removal of Chairman and member	25	<b>6.</b> Notwithstanding the provision of section 5, the President may on
	26	the recommendation of the Minister remove the Chairman or any member of
	27	the Board of the Authority from office for inability to discharge the functions of
	28	his office arising from:
	29	(a) infirmity of mind or body;
	30	(b) bankruptcy;

1	(c) gross misconduct; and	
2	(d) any other cause by which his continued membership will not be	
3	in the interest of the Authority.	
4	<b>7.</b> The Board shall have the following Standing Committees:	Board Committee
5	(a) the Appointment and Establishment Committee; and	
6	(b) the Finance and General Purposes Committee.	
7	<b>8.</b> The functions of the standing Committees shall be as	Function of
8	determined by the Board.	Standing Committees
9	<b>9.</b> Membership of all standing Committees shall be as determined	Membership of
10	by the Board.	Standing Committees
11	<b>10.</b> Proceedings of standing Committees shall be conducted in	Proceedings of
12	accordance with the provisions contained in the schedule to this Bill.	Standing Committees
13	<b>11.</b> The Board may, subject to such conditions as it may deem fit,	Delegation
14	delegate any or all of the powers conferred on it by this Bill to any	
15	Committee or Committees of its members or the Director General to:	
16	(a) inquire into and report to the Board on any matter affecting the	
17	Authority;	
18	(b) deal with matters of an urgent nature as approved by the Board,	
19	subject to such conditions as the board may in writing specify; and	
20	(c) appoint staff of the Authority to advice on matters relating to	
21	appointments and discipline and other relevant tourism issues of the	
22	authority.	
23	<b>12.-(a)</b> The Board may, from time to time, co-opt any person or	Co-option
24	person(s) to carry out any of the functions of the Authority under this Bill;	another person
25	(b) Any person co-opted under subsection (a) of this section may	
26	take part in the proceedings of the Board but shall not be deemed to be a	
27	member of the Board for the purpose of voting or forming of quorum.	
28	<b>13.</b> The functions of the Authority shall be to:	Functions of
29	(a) develop and promote Nigeria as a travel and tourism destination	the Authority
30	by encouraging people living in Nigeria to take their holidays therein and	

	1	people from abroad to visit Nigeria;
	2	(b) encourage the provision and improvement of tourism amenities
	3	and facilities in Nigeria including the development of hotels and ancillary
	4	facilities;
	5	(c) regulate with the states and supervise tourism enterprises for
	6	quality assurance, consume: protection and public health and safety purposes
	7	by the accreditation and certification of all suet enterprises thereby establishing
	8	standards, guidelines and codes of practice in tourism in partnership with
	9	relevant bodies;
	10	(d) oversee the administration of the Tourism Development Fund to
	11	ensure that the Fund is utilize, for the required purposes;
	12	(e) ensure collaboration with other public, private and international
	13	agencies;
	14	(f) implement all government policies related to tourism; and
	15	(g) advice the Minister on policy issues relating to tourism generally.
Additional powers of the Authority	16	<b>14.</b> In addition to the specific powers conferred on the Authority by
	17	or under the subsequent provision of this Bill, the Authority shall have power
	18	to:
	19	(a) provide advisory and information services;
	20	(b) undertake research in the field of tourism;
	21	(c) render consultancy services in the field of tourism;
	22	(d) render technical advice to the states and local governments in the
	23	field of tourism;
	24	(e) encourage investors to invest in the tourism sector; and
	25	(f) provide statistics in all spheres of tourism.
Incidental power of the Authority	26	<b>15.</b> The Authority shall in particular have power to:
	27	(a) carry on any undertaking which appears to the Authority to be
	28	necessary for the promotion and development of the tourism industry;
	29	(b) assist in the promotion and marketing of:
	30	(i) tourist attractions and festivals;

- 1 (ii) historic sites;
- 2 (iii) museums;
- 3 (iv) parks;
- 4 (v) game reserves;
- 5 (vi) beaches;
- 6 (vii) natural beauty spots;
- 7 (viii) holiday resorts;
- 8 (ix) souvenir industries.
- 9 (c) advice appropriate authorities on ways of improving tourism
- 10 facilities;
- 11 (d) publicize tourism; and
- 12 (e) do all such things incidental to the foregoing functions which in
- 13 its opinion are calculated to facilitate the carrying on of the duties of the
- 14 Authority under this Bill.

15 **16.**-(a) The Authority shall set up a tour operating company to  
16 operate tour services within and outside Nigeria;

Establishment  
of a Tour Operating  
Company

17 (b) The company shall also have offices to operate in all the zones;

18 (c) The Authority shall operate the company on a commercial  
19 basis, that is it shall ensure that the revenue accruing to the Company from  
20 services provided by it are not less than sufficient to meet the total cost of  
21 providing these services, taking one year with another.

22 **17.** The Authority shall establish and manage the Conventions and  
23 Visitors Bureau (CVB). The Bureau is to be in charge of destination  
24 marketing and to promote Nigeria as a top destination for meetings,  
25 exhibitions and events in partnership with relevant bodies as well as be  
26 involved with international biddings for Nigeria to host events.

Establishment  
of Conventions  
and Visitors  
Bureau (CVB)

27 **18.** Subject to this Bill, the Minister may give to the Authority  
28 directions of a general character or relating generally to particular matters  
29 (but not to any particular individual person or to any particular case) with  
30 regard to the exercise by the Authority of its functions and it shall be the duty

Power of Minister  
to give directions

	1	of the Authority to comply with the directions.
Appointment of the Director- General	2	<b>19.</b> -(1) There shall be appointed for the Authority, a Director General
	3	who shall have such professional qualification and experience in tourism and
	4	allied matters appropriate for a person required to perform the functions of that
	5	office under this Bill.
	6	(2) The Director General shall:
	7	(i) be appointed by the President on the recommendation of the
	8	Minister;
	9	(ii) hold office for a term of four (4) years in the first instance and may
	10	be re- appointed for a further term of four years and no more;
	11	(iii) hold office on such terms and conditions as to emolument,
	12	conditions of service as may be specified in his letter of appointment and on
	13	such other terms and conditions as may be determined from time to time by the
	14	Minister with the approval of the President;
	15	(iv) be the Chief Executive and Chief Accounting Officer of the
	16	Authority for the purpose of controlling and disbursing funds accruing to the
	17	Authority and as established pursuant to section 22 of this Bill;
	18	(v) be responsible for the execution of the policies of the Authority;
	19	(vi) be responsible for the day to day administration of the affairs of
	20	the Authority and is answerable to the Board for the performance of the
	21	functions of that office; and
	22	(vii) perform any other function determined by the Board.
	23	(3) The Director General may delegate a function to an officer of the
	24	Authority but shall not be relieved of the ultimate responsibility for the
	25	performance of the delegated function.
Appointment of Secretary to the Board	26	<b>20.</b> -(1) There shall be appointed a Secretary to the Board who shall:
	27	(a) be the head of legal services and legal adviser of the Authority; and
	28	(b) be a legal Practitioner of not less than 10 years post call
	29	experience.
	30	(2) The Secretary to the Authority shall:



1 (a) keep the records and conduct the correspondence of the Board;

2 and

3 (b) perform such other duties as the Board or the Director-General  
4 may, from time to time, direct.

5 **21.**-(1) The Authority shall, subject to the provisions of this Bill Appointment of  
6 have powers to: Employees

7 (a) appoint such other employees of the Authority who shall be  
8 professionally and technically qualified for the purpose of their  
9 appointment;

10 (b) pay its employees' remuneration and allowances not less than  
11 that payable to persons of equivalent grades in the Public Service of the  
12 Federation; and

13 (c) set up a superannuating scheme (whether contributory or not) in  
14 respect of such of its employees as it may determine.

15 (2) The Conditions of Service of the employees shall be  
16 determined by Federal Civil Service Commission.

17 **22.** The funds of the Authority include: Funds of the  
18 Authority

19 (a) funds appropriated by the National Assembly;

20 (b) fees from income-generating activities;

21 (c) donations, Loans, Bonds and Grants;

22 (d) funds approved by the Board;

23 (e) any other funds that are allocated by the Minister of Finance;

24 (f) funds from the Tourism Development Fund; and

25 (g) funds from the Tourism Development Levy.

26 **23.** The Authority shall, not later than three months before the end Annual Budget  
27 of each financial year, cause to be prepared and submitted to the Minister, an  
28 annual budget in respect of the ensuing financial year.

29 **24.**-(a) The Authority shall prepare and submit to the appropriate Accounts and  
30 Authority during the immediate preceding year and shall include in the Audit

	1	report a copy of the audited account of the Authority for that year, and the
	2	Auditors report therein;
	3	(b) The Authority shall cause to be kept proper account of the
	4	Authority in respect of each year and proper records in relation thereto and
	5	shall cause the accounts to be audited not later than six months after the end of
	6	each financial year by external auditors appointed from the list and in
	7	accordance with guidelines supplied by the Auditor-General for the
	8	Federation.
Powers to borrow	9	<b>25.</b> The Authority may, with the consent of the Board or Minister,
	10	borrow on such terms and conditions as the Authority may determine such
	11	sums of money as it may require in the exercise of its functions under this Bill.
Establishment of the Tourism Development Fund	12	<b>26.</b> There is hereby established by this Bill a Tourism Development
	13	Fund, which shall be warehoused in the Central Bank of Nigeria (CBN).
Object of the Fund	14	<b>27.</b> The object of the Fund are:
	15	(i) to provide funding for tourism development and tourism-related
	16	projects and programmes;
	17	(ii) to achieve the object of the Fund, monies from the Fund shall be
	18	applied for relevant tourism activities as the Board may determine including in
	19	particular:
	20	(a) marketing and promotion of tourism;
	21	(b) capacity building, market research and development of tourism
	22	infrastructure;
	23	(c) development and promotion of other entrepreneurial activities;
	24	(d) tourism export trade-oriented activities of institutions; and
	25	(f) tourism education and training.
Sources of the Fund t	26	<b>28.</b> The sources of the Fund include:
	27	(a) such monies as may be provided by the Federal Government as
	28	seed capital by way of intervention fund, contribution, loan, grant or otherwise
	29	howsoever;
	30	(b) donations from States, Federal Capital Territory, Local

1 Government Councils, Area Councils, Public Agencies, Private  
2 Organizations and Companies, Multinational Companies,  
3 Organizations/Agencies and individuals;

4 (c) all monies borrowed and capital raised by the Authority under  
5 this Bill or any other enactment including such sums as may be received by  
6 the Authority from other sources;

7 (d) 3% of funds from Tourism Development Levy;

8 (e) monies earned by the operation of any project, enterprise  
9 financed from the Fund or investment and other sums collected or received  
10 by the Authority for services rendered; and

11 (f) other monies that the Minister of Finance in consultation with  
12 the Minister may determine with the approval of the President.

13 **29.**-(1) There shall be established a Board to manage the Tourism  
14 Development Fund.

Tourism  
development Fund  
Management  
Board

15 (2) The Fund shall be administered by the Board and as advised by  
16 the members particularly as it concerns control, investment and  
17 administration of the Fund, including the proceeds of securities issued on  
18 Fund Assets for the benefit and development of the tourism and hospitality  
19 industry.

20 (3) The monies for the Fund shall be domiciled with Central Bank  
21 of Nigeria in accordance with TSA policy.

22 (4) In furtherance of subsection (2), the Board shall:

23 (a) arrange for the effective and efficient collection of monies  
24 assigned to the Fund;

25 (b) identify other sources of funding;

26 (c) co-ordinate and ensure total and timely accountability of the  
27 fund;

28 (d) prepare and publish procedures for disbursement of the Fund;

29 (e) formulate general financial strategies and policies for the  
30 growth of the fund;

1 (f) evaluate, approve, review and monitor the execution of projects  
2 and programs approved for funding by the Authority;

3 (g) determine the certification necessary to ensure that work is  
4 completed according to specification;

5 (h) review the annual programmes and projects submitted by the  
6 public and private sector agencies for funding;

7 (i) to provide financial investments by whichever instrument deemed  
8 desirable and beneficial in tourism, travel and hospitality development projects  
9 by tourism operators in the six geo-political zones and Federal Capital  
10 Territory as the Board may approve;

11 (j) to disburse approved funds and provide a framework for which  
12 registered and accredited tourism enterprises can access investment and  
13 financial incentives for the development of tourism and hospitality facilities;

14 (k) to manage and disburse resources from the Fund for the  
15 development of national standards in training and human resource skills and  
16 capacity building in hospitality and tourism;

17 (l) subject to any general or special direction, the Board may invest  
18 the Fund and maintain general financial reserves.

Tourism  
Development  
Levy

19 **30.-(1)** There shall be established a Tourism Development Levy  
20 which shall be used to promote tourism and shall support the fund where and if  
21 necessary Sources of the levy.

22 (2) The Sources of the levy shall include but not limited to:

23 (i) a Tourism Visa Fee as may be approved from time to time;

24 (ii) a Tourism Development Contribution levy of one (1) per cent per  
25 room rate or flat rate or any rate as may be prescribed by the authority;

26 (iii) Tourism Departure Levy, for the promotion of domestic tourism,  
27 which shall be paid by all travellers leaving the country at a rate to be  
28 prescribed from time to time by the Authority;

29 (iv) levy on corporate Nigeria comprising an approved minimum  
30 percentage of interest rate on banks, telecommunications and other corporate

1	entities; and	
2	(v) such other levies or fees as the Authority may prescribe from	
3	time to time for the promotion and development of the tourism industry in	
4	Nigeria.	
5	<b>31.</b> The Authority may enter into joint-venture partnerships with	Joint Venture
6	States and other stakeholders for the development of tourism sites and	Partnership
7	hospitality establishments.	
8	<b>32.</b> The Authority shall accredit all hospitality and tourism	Accreditation
9	establishment in all the States of the Federation.	and Alliance of Tourism Enterprises
10	<b>33.</b> The Authority shall create an alliance of Tourism Enterprises	Alliance of
11	after accreditation for the purposes of standardization, quality assurance,	Tourism
12	consumer protection and public health and safety.	Enterprises
13	<b>34.</b> The Authority shall accredit and renew all Hospitality and	Accreditation
14	Tourism Enterprises under its Alliance from the beginning of the Second	
15	quarter of the year to the end or the Third quarter of every year being 1st	
16	April to 30th September.	
17	<b>35.</b> The Authority shall control the classification and grading of all	Classification
18	tourism enterprises under the Alliance.	of Tourism enterprises
19	<b>36.</b> Membership of the Alliance by Accreditation and Certification	Membership of
20	shall confer privilege and benefits as determined by the Authority from time	Alliance by
21	to time including but not limited to:	Accreditation and Certification
22	(a) International status and recognition by the World Tourism	
23	Organization (WTO) of which the Authority is a country member thereof;	
24	(b) eligibility for specific fiscal relief categories and tax	
25	exemptions;	
26	(c) eligibility for Custom duty exemptions by the Ministry of	
27	Finance to encourage infrastructural improvements and development of	
28	tourism facilities;	
29	(d) eligibility for financial incentives, subsidy grants and	
30	concessionary interest loans from the Tourism Development Fund; and	

	1	(e) promotion of member establishments by the Authority.
Establishment of Hospitality, Travel and Tourism Division	2	<b>37.-(1)</b> There is hereby established, a division of the Authority to be
	3	known as the Travel and Tourism Division.
	4	(2) It shall be the duty of the Division to:
	5	(a) monitor the accreditation, classification, and grading of
	6	Hospitality, Travel and other tourism establishments according to the
	7	prescribed standard as determined by the Authority; and
	8	(b) collect fees and impose such sanctions as may be prescribed or
	9	reviewed from time to time by the Authority.
Assignment of Compliance Officers	10	<b>38.-(1)</b> The Authority may if deems it fit, assign from time to time,
	11	persons to be known as compliance officers for the purposes of this Bill.
	12	(2) Compliance officers assigned under this Bill shall, for the purpose
	13	of the execution of this Bill, have powers to do the following:
	14	(a) to enter, inspect and examine by day or by night any premises
	15	being used as a hotel or allied hospitality establishment who is an accredited
	16	member of the Alliance;
	17	(b) by notice require the proprietor of such or allied hospitality
	18	establishment to furnish in such form as he may direct any information on such
	19	matters as may be specified by him on notice; and
	20	(c) to make such examination and inquiry as may be necessary to
	21	ascertain whether any regulations made under this Bill are being complied
	22	with.
	23	(3) If a Compliance Officer is of the opinion that a hotel, or allied
	24	hospitality establishment who is an Alliance member is not up to the prescribed
	25	standard he shall serve an improvement notice on the persons under whose
	26	control the hotel or allied establishment lies, requiring the person to take
	27	measures to rectify any defects or meet the prescribed standards within such a
	28	period as he shall therein specify.
	29	(4) Where a person fails to comply with an improvement notice issued
	30	under subsection (2), the compliance officer shall serve a notice of non-

1 compliance on the hotel or allied hospitality establishment until such time as  
2 the prescribed standards are met.

3 (5) A person who is aggrieved by a notice issued by a compliance  
4 officer under sub-section (3) may, within thirty days from the date of such  
5 notice, appeal to the Authority who may after considering the appeal by  
6 order in writing confirm, revoke or vary the notice.

7 (6) A person who is aggrieved with a decision of the Authority  
8 made under subsection (4) may within thirty days from the date of the  
9 decision, appeal to the Board.

10 (7) Without prejudice to the right of aggrieved persons to seek  
11 redress in a court of law, the decision of the Board on the appeal lodged  
12 under subsection (5) will be final and binding on the Person.

13 **39.-(1)** it is an offence for a person to:

Offences and  
penalties

14 (a) refuse access to a hotel or allied hospitality establishment to a  
15 compliance officer or a person assisting the compliance officer;

16 (b) obstruct the compliance officer in the exercise of his powers  
17 under this Bill or any regulation made there under, or induces or attempts to  
18 induce any other person to do so;

19 (c) prevent or attempt pt to prevent any other person from assisting  
20 the officer;

21 (d) in any other way, hinder, impede or oppose the compliance  
22 officer in the exercise of his powers under this Bill or any regulation made  
23 there under:

24 (e) fail to provide the compliance officer any information required  
25 under this Bill or Regulation made there under;

26 (f) make a statement, which he knows to be false:

27 (i) in purported compliance with the requirement to furnish any  
28 information imposed by or under any of the relevant statutory provisions or;

29 (ii) for the purpose of obtaining a document under any of the  
30 relevant statutory provisions for himself or another person.

1 (g) with intent to deceive, forge or use a document issued or  
2 authorized to be issued under any of the relevant statutory provisions or  
3 required for the purpose there under make, or have in his possession a  
4 document so closely resembling any such document as to be calculated to  
5 deceive; or

6 (h) falsely pretend' ) be a compliance officer;

7 (i) refuse to renew accreditation within the prescribed time.

8 (2) A person guilty of an offence under section 39(a) shall be liable on  
9 conviction to:

10 (a) a fine not exceeding N200,000;

11 (b) imprisonment for a term not more than two years;

12 (c) both fine and imprisonment for a term not more than two years;

13 (d) further fine of N5,000 for each day during which the offence  
14 continues.

15 (3) Any Establishment which refuses to comply with the standard  
16 improvement notice served, and/or refuses to renew accreditation within the  
17 prescribed time or refuses to comply with any other provision of this Bill, will  
18 after the expiration of the prescribed due process lose his membership of the  
19 alliance and a public disclaimer will be made.

20 (4) Any establishment which contravenes the provisions of  
21 subsection (3) of this section and the contravention is perceived to be against  
22 public interest and safety or to be as a security threat to the public, will be sealed  
23 by the Authority and the Authority may call in the assistance of any law  
24 enforcement agent and it shall be the duty of such law enforcement agent to  
25 assist the Authority in enforcing the provisions of this Bill.

26 (5) The Authority shall have power to impose such other sanctions as  
27 may be prescribed from time to time.

Regulation

28 **40.** The Minister may with the approval of the President, make  
29 regulations generally for the purpose of giving effect to the provisions of this  
30 Bill.



1                    **41.**-(1) The Nigerian Tourism Development Corporation Act CAP.     Repeal  
2                    NI37 Laws of the Federation of Nigeria, 2014 is hereby repealed.

3                    (2) The transitional and savings provisions in the second schedule  
4                    to this Bill shall have effect in relation to the employees, assets and liabilities  
5                    of the Corporation dissolved under this section and other matters mentioned  
6                    therein notwithstanding anything to the contrary in this act or any other  
7                    enactment.

8                    **42.** In this Bill, unless the context otherwise requires:     Interpretation

9                    "a person" includes hotels, travel agencies, tour operators and all other  
10                    hospitality and tourism establishments who are accredited;

11                    "Company" means the Tour Operating Company established by section 17;

12                    "Authority" means the Nigerian Tourism Development Authority  
13                    established by section 3 of this Bill;

14                    "Division" means Hospitality, Travel and Tourism Division established by  
15                    section 43 of this Bill;

16                    "Director-General" means the person appointed as Director General by  
17                    virtue of section 19 of this Bill;

18                    "Tourism Development Fund" means the fund created under section 26 of  
19                    this Bill;

20                    "Compliance officer" means the person appointed as Compliance officer  
21                    under section 39 of this Bill;

22                    "President" means the President of the Federal Republic of Nigeria;

23                    "Senate" means the Senate or the National Assembly;

24                    "Minister" means the Honorable Minister in charge of Information, Culture  
25                    and Tourism.

26                    **43.** This Bill may be cited as the Nigerian Tourism Development     Citation  
27                    Authority (Repeal and Enactment) Bill, 2019.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Proceedings of the Board*

4 1. The Board shall meet at least four times in each year at such times  
5 and places as may be determined by the Chairman.

6 2. If not less than five members make a written request to the  
7 Chairman for an extraordinary meeting to be convened, the Chairman shall  
8 summon a meeting to be held within fifteen days from the date on which he  
9 received the request.

10 3. The Chairman shall preside at meetings of the Board and if he is  
11 absent from a meeting the members present shall elect one of their member to  
12 preside at the meeting.

13 4. At a meeting of the Board six members shall form a quorum and  
14 questions shall be decided by a majority of those present and voting; but in the  
15 case of an equality of votes, the Chairman or other person presiding shall have a  
16 second or casting vote.

17 5. Subject to this Bill, the Board may make standing orders regulating  
18 the proceedings of the Authority or of any Committee thereof.

19 6. Any summons, notice or other document required or authorized to  
20 be served on the Authority may, except where there is express provision to the  
21 contrary, be served by:

22 (a) delivering it to the Director General; or

23 (b) sending it by registered post addressed to the Director General as  
24 the principal officer of the Authority

25 7. The fixing of the seal of the Authority shall be authenticated by the  
26 signature of the chairman or the Director-General, and the Secretary.

27 8. Any contract or instrument which, if made or executed by a person  
28 not being a body corporate, would not be required to be under seal, may be  
29 made or executed on behalf of the Authority by any person generally or  
30 specially authorized to act for that purpose by the Authority.

9. Any document purporting to be a contract, instrument and or document duly signed or sealed on behalf of the shall be received in evidence and, unless the contrary is presumed without further proof to have been so signed or sealed.

10. Any member of the Board or a Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or Committees shall forthwith disclose his interest to the Board or Committee and shall not vote on any question relating to the contract or arrangement.

## 10 Committees

11                    11. Subject to its standing orders, the Board may appoint such  
12                    Committees as it thinks fit but the decision of any Committee appointed  
13                    under this paragraph shall be of no effect until confirmed by the Board

14                    12. Where the Board desire to obtain the advice of any person on a  
15                    particular matter, the Board may co-opt him as a member for such period as  
16                    it thinks fit; but a person who is a member by virtue of this paragraph shall  
17                    not be entitled to vote at any meeting of the Board and shall not count  
18                    towards a quorum.

19                    13. The quorum of any Committee of the Board shall be six.

14. The Chairman shall preside at meeting, the members present  
shall elect one of their members to preside at that meeting.

22 15. The validity of a proceeding of the Board or a Committee there  
23 of shall not be adversely affected:

24 (a) by a vacancy in the membership of the Board;

25 (b) by a defect in the appointment of member of the Board or  
26 Committee; or

27 (c) by reason that a person entitled to do so took part in the  
28 proceeding.

1 SECOND SCHEDULE

2 *Transitional and Savings Provisions*

3 1. By virtue of this Bill there shall be on the commencement of this  
4 Bill, be vested in the Authority all assets, fund resources and other movable or  
5 immovable property which commencement of this Bill were vested in the  
6 Nigeria Tourism his schedule referred to as "The dissolved Corporation").

7 2. Subject to provision of paragraph 1 of this Schedule:

8 (a) the rights, interest, obligation and liabilities of the dissolved  
9 Corporation existing immediately before the commencement of this Bill under  
10 any contract or instrument, or at law or in equity apart from any contract or  
11 instrument, shall be virtue of this Bill be deemed as to have been assigned to  
12 and vested in the Authority;

13 (b) any such contract or instrument as is mentioned in sub-paragraph  
14 (a) of this paragraph, shall be of the same force and effect against or in favour of  
15 the Authority, and shall be enforceable as fully and effectively as if the  
16 dissolved Corporation the Authority had been named therein or had been a  
17 party thereto; and

18 (c) The Authority shall be subject to all the obligations and liabilities  
19 to which the dissolved Corporation was subject immediately before the  
20 commencement of this Bill and all person shall, as from the commencement of  
21 this Bill have the same rights, powers and remedies against the Authority as  
22 they had against the dissolved Corporation immediately before the day.

23 3. Any proceeding pending or cause of action existing immediately  
24 before the commencement of this Bill by or against the dissolved Corporation  
25 in respect of any rights, interest, obligation or liability of the dissolved  
26 Corporation may be continued, or as the case may require, commenced and the  
27 determination of a court of law, tribunal or other authority or person may be  
28 enforced, by or against the Authority of the same extent that such cause of  
29 action or determination might have been continued or commenced or enforced  
30 by or against the dissolved Corporation if this Bill has not been made.

1                   4. Notwithstanding the dissolution of the Nigerian Tourism  
2       Development Corporation by section 40 of this Bill, any person who  
3       immediately before the commencement off this Bill held office under the  
4       dissolved Corporation shall, on the commencement of this Bill be deemed to  
5       have been ..... to the Authority on terms and conditions not less favorable  
6       than those obtained immediately before the commencement of this Bill and  
7       service under the dissolved Corporation shall be deemed to be service under  
8       the Authority for pensions purpose.

9                   5. For the purposes of paragraph 4 of this Schedule, the terms and  
10      conditions compared in any transferred appointment not be construed as  
11      been less favourable merely because they are not in all respect.....or  
12      superior terms and conditions enjoyed by person concerned immediately  
13      before the commencement of this Bill if the first mentioned terms and  
14      conditions ..... offer substantially equivalent or greater benefits.

15                  6. Within the twelve months after the making of this Bill, the  
16      Minister, if he thinks fit, may by order published in the ..... make additional  
17      transition or saving provisions for the carrying out of the object of this  
18      schedule.

#### EXPLANATORY MEMORANDUM

This Bill seeks to represent Nigerian Tourism Development Corporation Act  
CAP. N137 Laws of the Federation Nigeria and enact the Nigerian Tourism  
Development Authority, to develop and promote Nigeria as a travel and  
tourism destination by encouraging people living in Nigeria to take their  
holiday herein and from abroad to visit Nigeria.



# A BILL

## FOR

AN ACT TO AMEND THE NIGERIAN INSTITUTE OF MANAGEMENT ACT, NO  
14. 2003 AND-FOR RELATED MATTERS

*Sponsored by Hon. Zainab Gimba*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1           **1.** The Nigerian Institute of Management Act (in this Act referred  
2 to as lithe principal Act") is amended as set out in this Act.

Amendment of  
the Nigerian  
Institute of  
Management Act,  
No. 14, 2003

3           **2.** Section I of the Principal Act is amended:

Amendment of  
Section 1

4           (a) by inserting after paragraph (c) a new paragraph (d) to read:

5           "(d) To undertake management audit of companies registered by  
6 the Corporate Affairs Commission and".

7           (b) by renumbering the existing paragraph (d) as new paragraph  
8 (e);

9           (c) in subsection (4) by substituting the words "category" in line 3  
10 with the words "Grade" and expunging the words "companion" wherever it  
11 appears in the Act;

12           (d) in subsection (10) by substituting the words "individuals" with  
13 the words "institutions" in line 1 instead thereof.

14           **3.** Section 2 of the principal Act is amended:

Amendment of  
Section 2

15           (a) in subsection (1) by deleting: the word "Associates" in line 3;  
16 and

17           (b) by inserting a new subsection (S) to read as follows:

18           “(5) The Deputy President upon constitution of the next Council  
19 assume the post of resident subject to ratification of council provided that  
20 where council fails to ratify the elevation of a deputy president to the office

Amendment of  
Section 3

1 of president, the individual concerned shall forthwith cease to be member of  
2 council",

3 4. Section 3 of the Principal Act is amended in subsection (2) by  
4 substituting the existing paragraph (a) to (m) with the following new words  
5 instead thereof as follows:

6 (a) the President of the institute who shall be the chairman;

7 (b) the Deputy president of the Institute who shall be the Vice  
8 chairman of council;

9 (c) the Treasurer;

10 (d) one person representing the federal ministry or other federal office  
11 in charge of establishment or management matters;

12 (e) a zonal 'chairman elected every two (2) years from each  
13 geographical zones of the country;

14 (f) 12 other individual, members of the council (b and c inclusive)  
15 elected at the Annual General Meeting (AGM);

16 (g) three (3) corporate members of the council;

17 (h) past presidents and chairmen of council of the Institute;

18 (i) a Chairman Board of fellows;

19 (j) co-opted members up to the maximum of S including  
20 representatives from educational training institutions.

Insertion of a  
New Section  
5A:

21 5. Section S of the Principal Act is amended by inserting a new  
22 section SA as follows:

23 "5A"

24 PART III - POWERS AND DUTIES OF THE PRINCIPAL OFFICERS

25 THE PRESIDENT

26 (1) The President shall have and exercise the following powers and  
27 duties:

28 (a) Shall be the Chairman of Council and the Executive Committee of  
29 the Institute;

30 (b) Supervision of the Executive Management of the Institute;



1 (c) Representation of the Institute and maintenance of relations  
2 with its members, stakeholders, the media and the public;

3 (d) Directing, with the authorization of Council, the convention  
4 and preparation of the Annual General Meeting of the Institute and meetings  
5 of Council;

6 (e) Chairing the Annual General Meeting of the Institute, meetings  
7 of Council and the College of Fellows;

8 (f) Supervising the implementation of the resolutions of Council  
9 and its Committees;

10 (g) Performance of all other tasks which accrue to the office of the  
11 President under this Act, the Bye Laws or by the resolution of Council;

12 (h) Shall be a signatory to the accounts of the Institute.

13 (2) The President may, with or without prior notice or invitation,  
14 attend meetings of the executive bodies of the Institute of which he is not a  
15 member and shall have the power to call for and inspect all books and files.

16 (3) The President may delegate to any Officer of the Council such  
17 expert or special tasks as he may from time to time deem fit.

18 *The Deputy President*

19 (i) If the President is unable to exercise his office, the Deputy  
20 President is empowered to act in his stead for the period of the President's  
21 unavailability or inability to perform his office;

22 (ii) When acting for the President shall have the same powers and  
23 duties as those accruing to the President, but such powers and duties shall be  
24 confined to the limits contained in the Council resolutions authorising the  
25 representation;

26 (iii) Shall perform such other duties as may be assigned to him by  
27 the President.

28 *National Treasurer*

29 (i) Shall keep custody of the funds of the Institute in Banks and  
30 Financial Institutions designated and approved by Council;

	1	(ii) Shall be responsible for maintaining proper books .of account of
	2	the Institute;
	3	(iii) Shall be a signatory to the accounts of the Institute;
	4	(iv) Shall prepare' and-lay before the Annual General Meeting, the
	5	annual accounts of the Institute
Amendment of Section 6	6	<b>6.</b> Section 6 of the principal Act is amended by inserting a new sub
	7	section (3) to read as follows:
	8	“(3) The Registrar/Chief Executive shall be responsible for:
	9	(a) the executive management of the Institute and producing
	10	satisfactory planned results;
	11	(b) the implementation of the strategic plans determined by Council
	12	as well as all other resolutions taken by Council;
	13	(c) supervising and coordinating the activities of the Management and
	14	staff of the Institute;
	15	(d) the organization and the staffing of the Management and
	16	workforce of the Institute subject to the approval of Council in appropriate
	17	cases, ensuring compliance with all legal requirements and statutory
	18	regulations affecting or relevant to the Institute;
	19	(e) Shall be a signatory to the Accounts of the Institute”.
Amendment o of Section 9	20	<b>7.</b> Section 9 of the principal Act is amended in subsection (4)
	21	paragraph (b) by inserting after the last word "Minister" the words "of matters
	22	relating to "Establishment",
Amendment o of Section 11	23	<b>8.</b> Section 11 of the principal Act is amended in subsection (2) by
	24	substituting the word "six" with the words "five",
Amendment o of Section 12	25	<b>9.</b> Section 12 of the principal Act is amended in subsection (1)
	26	paragraph (c) by inserting after the last word "the words "Registrar" the words
	27	"/ Executive",
Amendment o of Section 2 of the first schedule	28	<b>10.</b> Section 2 of the first schedule of the principal Act is amended in
	29	subsection (1) paragraph (d) by substituting the word "practice" with the word
	30	"practicable" in line 1 instead thereof.

1	<b>11.</b> Section 3 of the first schedule of the principal Act is amended:	Amendment of
2	(a) in subsection (1) by substituting the word "Bill" with the word	Section 3 of the
3	"Act" in line 4 instead thereof;	first schedule
4	(b) in paragraph (4) by substituting words with the following new	
5	words "The quorum of the Council shall not be less than 15 members",	
6	<b>12.</b> Section 4 of the first schedule of the principal Act is amended	Amendment of
7	in:	Section 4 of the
8	(a) subsection (6) by deleting the word "special" in line instead	first schedule
9	thereof;	
10	(b) in subsection (8) .by substituting the existing words with the	
11	following new words "If within an hour from the time appointed for the	
12	holding of an Annual General Meeting (AGM), a quorum. IS not formed, the	
13	meeting, if convened on the requisition of members shall be postponed to	
14	later same day or next day, at the same time and place, or at such other place	
15	and time as the Chairman may decide and if at such reconvened meeting, a	
16	quorum is not formed within an hour from the time appointed for holding the	
17	meeting, the members present shall be a quorum".	
18	(c) in subsection (9) by substituting the word "Two Hundred" with	
19	the words "Two Hundred and fifty" instead thereof.	
20	<b>13.</b> Section 2 of the first schedule "of the principal Act is amended	Amendment of
21	in subsection by inserting a new subsection (3) to read as follows:	Section 6 of the
22	"(3) The quorum for committee shall not be less than 5 members".	first schedule
23	<b>14.</b> Section 1 of the second schedule of the principal Act is	Amendment of
24	amended by substituting the existing word with the following new words	Section 1 of the
25	"The quorum of the tribunal shall be the Chairman and four others, one of	second schedule
26	whom shall be a legal practitioner".	
27	<b>15.</b> This Bill may be cited as the Nigerian Institute of Management	Citation
	(Amendment) Bill, 2019.	

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Institute of Management (Est, etc) Act No 142003.



# A BILL

## FOR

AN ACT TO REPEAL THE FEDERAL HOUSING AUTHORITY ACT, CAP. F14,  
LFN, 2014 AND ENACT THE FEDERAL HOUSING AUTHORITY BILL, AND FOR  
RELATED MATTERS

*Sponsored by Hon. Zainab Gimba*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria

1 PART I - ESTABLISHMENT OF THE FEDERAL HOUSING AUTHORITY

2 AND ITS GOVERNING BOARD

3 1.-(1) There is established a body to be known as the Federal Establishment  
4 Housing Authority (in this Act referred to as "the Authority"). of the Federal  
Housing Authority

5 (2) The Authority-

6 (a) shall be a corporate body;

7 (b) may sue or be sued in its corporate name;

8 (c) shall operate as an Agency of Government for implementing  
9 the Commercial and Social Housing Programmes.

10 2.-(1) The affairs of the "Authority" shall be conducted by a Board Composition of  
11 of Directors of the Authority hereinafter referred as "the Board" which shall the Board of  
12 consist of- Directors of the  
Authority

13 (a) a Chairman to be appointed by the President, who shall be a  
14 person by reason of specialised knowledge and experience has special  
15 contribution to make to the work of the Authority;

16 (b) the Permanent Secretary of the Ministry responsible for  
17 housing or his representative;

18 (c) Six (6) persons (representing the six geopolitical zones) who by  
19 reason of their ability, specialized knowledge and experience have special  
20 contribution to make to the work of the Authority; shall be appointed by the

	1	President on recommendation of the Minister;
	2	(d) the Managing Director/Chief Executive of the Authority;
	3	(e) the four Executive Directors of the Authority; and
	4	(f) a Secretary to the Board and Legal Adviser who must be a staff of
	5	the Authority.
Member of the Board	6	<b>3.</b> A member of the Board shall hold office-
	7	(a) for a term of 4 years in the first instance and may be re-appointed
	8	for another term of 4 years and no more; and
	9	(b) on such terms and conditions as may be specified in their letters of
	10	appointment.
Allowances of Members	11	<b>4.</b> Members of the Board shall be paid such allowances as the Federal
	12	Government may from time to time determine.
Cessation of Membership	13	<b>5,-(1)</b> Notwithstanding the provisions of section 4 of this Act, a
	14	member of the Board may at any time be removed from office by the President
	15	for inability to discharge the functions of his office, whether arising from
	16	infirmity of mind or body or misconduct.
	17	(2) member of the Board may resign his appointment by a notice in
	18	writing addressed to the President, through the Minister in-charge of Housing.
	19	(3) Where a vacancy occurs in the membership of the board, it shall be
	20	filled by the appointment of a successor to hold office for the remainder of the
	21	term of office of his predecessor; the successor shall represent the same interest
	22	and shall be appointed by the President on the recommendation of the Minister.
	23	PART II - POWERS OF THE BOARD, FUNCTIONS AND POWERS OF
	24	THE AUTHORITY
Powers of the Board	25	<b>6.</b> The powers of the Board are to-
	26	(a) Determine the overall policy of the Authority and in particular the
	27	financial, economic and operational programmes of the Authority and ensuring
	28	the implementation of such policies and programmes;
	29	(b) Consider and approve the budget of the Authority;

1 (c) Approve the letting or leasing of any property vested in the  
2 Authority; and

3 (d) Do such other things in its opinion are necessary to ensure the  
4 efficient performance of the functions of the Authority.

5 7.-(a) make recommendations to the Federal Government in Functions of the  
6 respect of urban and regional planning, transportation, communications, Authority  
7 electric power, sewage and water supply development as may be relevant to  
8 the successful execution of housing programmes approved by the Federal  
9 Government;

10 (b) the execution of such housing programmes as may be approved  
11 by Government;

12 (c) provide social housing in all states of the Federation and the  
13 Federal Capital Territory;

14 (d) develop and manage estates on commercial and profitable basis  
15 in all states of the Federation and the Federal Capital Territory;

16 (e) Execute special housing programmes as shell be approved and  
17 funded by the Federal Government; and

18 (f) to mobilize off-shore funding for housing development.

19 8.-(1) Subject to this Act, the Authority shall have power to do Powers of the  
20 anything which in its opinion is calculated to facilitate the carrying out of its Authority  
21 functions including (without prejudice to the generality of the foregoing) the  
22 power to-

23 (a) subject to the regulatory power of the Federal Government-

24 (i) fix the rate charges and the prices of goods and services it  
25 provides; and

26 (ii) capitalize its assets.

27 (b) acquire, construct and maintain dwelling houses, schools,  
28 communal and commercial buildings and other structures: hold and manage  
29 moveable and immovable property;

30 (c) enter into contracts for the construction, maintenance,

- 1 management or repairs of any property;
- 2 (d) purchase or acquire any assets, business or other property where,
- 3 in the pinion of the Authority, such purchase or acquisition is necessary for the
- 4 discharge of its functions;
- 5 (e) sell, let, lease or dispose of any property vested in the Authority;
- 6 (f) undertake or sponsor the undertaking of such research as may be
- 7 necessary for the performance of its functions;
- 8 (g) train managerial, technical and other staff for the purpose of
- 9 running the Authority's operations;
- 10 (h) carry out the development control of its estates Urban and
- 11 Regional Planning Commission;
- 12 (i) subject to any general or special directive of the Board, invest any
- 13 of its surplus funds and maintain a general financial reserve;
- 14 (j) do such other things which in its opinion are necessary to ensure
- 15 the efficient performance of its functions; and
- 16 (k) The Authority may, with the approval of the Board borrow by way
- 17 of loan or over draft, such monies as the Authority may require for the
- 18 discharge of its functions.
- 19 (2) The powers of the Authority may be exercised by any employee
- 20 or agent of the Authority authorised in that behalf by the Authority

### 21 PART III - STAFF OF THE AUTHORITY

Appointment  
of the Managing  
Director

- 22 9.-(1) There shall be for the Authority a Managing Director to be
- 23 appointed by the President on the recommendation of the Minister.
- 24 (2) The Managing Director shall-
- 25 (a) shall be a person who by reason of his/her ability, specialised
- 26 knowledge and experience has special contribution to make to the work of the
- 27 Authority
- 28 (b) be the Chief Executive and accounting officer of the Authority;
- 29 and
- 30 (c) hold office-



1 (i) for a term of 5 years in the first instance and may be re-  
2 Appointed for another term of 5 years and no more; and

3 (ii) on such terms and conditions as may be specified in his letter of  
4 appointment.

5 **10.** The Managing Director/Chief Executive is responsible for-

Duties of the  
Managing Director/  
Chief Executive

6 (a) the day to day administration of the Authority; and.

7 (b) subject to the directives of the Board, the execution of the  
8 policies of the Authority.

9 **11.**-(a) There shall be for the Authority, three Executive Directors  
10 to man the three Departments of the Authority namely Projects, Estate,  
11 Finance//Corporate Services) to be appointed by the President on the  
12 recommendation of the Minister;

Appointment of  
Executive Directors

13 (b) The Executive Directors shall head the three Departments of  
14 the Authority;

15 (c) Hold office-

16 (i) for a term of 5 years in the first instance and may be re-appointed  
17 for another term of 5 years and no more; and

18 (ii) on such terms and conditions as may be specified in their letters  
19 of appointments.

20 **12.** The Secretary to the Board and Legal Adviser to the Authority  
21 shall not be a member of the Board but shall keep the records and conduct the  
22 correspondence of the Board and perform such other duties of a similar  
23 nature as the Board or, as the case may be, the Managing Director/Chief  
24 Executive Officer may, from time to time, direct.

Secretary to the  
Board

25 **13.** -(1) The Board shall appoint for the Authority such number of  
26 employees as may in its opinion be necessary to assist the Authority in the  
27 discharge of its functions.

Staff

28 (2) The terms end conditions of service including the  
29 remuneration, allowances and benefits of the employees of the Authority

1 shall be as may be recommended by the Management and approved by the  
2 Board.

3 (3) if the Board thinks it expedient that any vacancy in the staff of the  
4 Authority should be filled by a person holding office in the Public Service of  
5 the Federation or a State, it shall inform the Chairman of the Federal Civil  
6 Service Commission and the Federal Civil Service Commission may make  
7 necessary arrangements for the filling by the vacancy by way of secondment or  
8 transfer.

9 (4) Where any member of the Public Service of the Federation or a  
10 State is appointed .on secondment to the Authority, such person may, subject to  
11 the approval of the Authority, transfer his services to the Authority in  
12 accordance with the relevant provisions of the Public Service Rules.

Staff regulations

13 **14.** -(1) The Board may make regulations relating generally to the  
14 conditions of service of the employees of the Authority, such regulations may  
15 provide employees of the Authority and appeals against such dismissal or  
16 disciplinary measures.

17 (2) Where staff regulations are not made, any instrument relating to  
18 the conditions of service of officers in the Civil Service of the Federation shall  
19 be applicable to the employee of the Authority.

Pension

20 **15.**-(1) Service in the Authority shall be approved service for the  
21 purpose of the Pension Reform Act and accordingly employees of the  
22 Authority shall be entitled to pension and other retirement benefits as  
23 prescribed under the Pension Reform Act.

24 (2) Nothing in subsection (1) of this section shall prevent the  
25 appointment of a person to any office on terms which preclude the grant of  
26 pension or gratuity in respect of that office.

27 PART IV - FINANCIAL PROVISIONS

Fund of the  
Authority

28 **16.** -(1) The Authority shall establish and maintain a fund in the  
29 Central Bank or any other Commercial Bank as may be authorised by the  
30 Federal Government into which shall be paid-

1 (a) monies received by the Authority in the course of its operations  
2 or in relation to the exercise of its powers:

3 (b) such monies as may be provided by the Federal Government by  
4 way of loan or grant;

5 (c) returns on any investments made by the Authority;

6 (d) All sums accruing to the Authority' by way of gifts,  
7 testamentary dispositions, endowments or other contributions from  
8 philanthropic persons or organizations;

9 (e) Foreign aid, grants and assistance from donor agencies;

10 (f) All other monies which may from time-to time accrue to the  
11 Authority; and

12 (g) Such other monies as may be provided by the Federal  
13 Government for the provision and maintenance of social and other special  
14 housing programmes.

15 (2) The Authority shall apply the fund established under sub-  
16 section (1) of this section to:

17 (a) the cost of administration and maintenance of the Authority;

18 (b) the payment of allowances and other benefits of members of the  
19 Board;

20 (c) the payment of salaries and benefits of employees of the  
21 Authority;

22 (d) the provision and management of Housing estates in all states  
23 of the Federation and the Federal Capital Territory;

24 (e) for the purpose of which any aid, grant and assistance under  
25 sub-section (1)(d) are provided; and

26 (f) for such other expenditures of the Authority.

27 **17.-(1)** The Authority shall keep proper accounts and other records  
28 and shall prepare in respect of each financial year, a statement of accounts in  
29 such form as the Board may direct.

Annual Report,  
Accounts and  
Audit

30 (2) The accounts of the Authority shall be audited by Auditors to be

1 appointed annually by the Authority from among the list of auditors and in  
2 accordance with guidelines prepared by the Auditor-General for the  
3 Federation.

4 (3) The Authority shall submit to the Board not later than 30<sup>th</sup> June in  
5 each financial year, a report of its activities during the preceding year, which  
6 shall include a copy of the audited accounts of the Authority for that year and a  
7 copy of the auditor's report.

8 PART V - COMPULSORY ACQUISITION OF LAND AND PROTECTION OF  
9 LAND VESTED IN THE AUTHORITY

Compulsory  
acquisition of  
land

10 18.-(1) where there is any hindrance to the acquisition of any land by  
11 the Authority for any purpose under this Act, including any failure by the  
12 Authority to reach an agreement as to the amount to be paid in respect of the  
13 acquisition, the President may, on the application of the Authority and after  
14 such enquiry as he may think fit, declare that the land is required for the service  
15 of the Authority.

16 (2) where a declaration is made under subsection (1) of this section,  
17 the land in respect of which the declaration was made shall be deemed to be  
18 land required for a public purpose of the Federation within the meaning of the  
19 Land Use Act and the Federal Government may-

20 (a) cause action to be taken under the Act for acquiring the land for the  
21 Federal Government; or

22 (b) if the land is customary land, issue a requisition under the  
23 appropriate law for the revocation of any rights relating to the land.

24 (3) Where a declaration is made under subsection (1) of this section in  
25 respect of any land other than customary land and-

26 (a) The land has been acquired pursuant to subsection (2) of this  
27 section; or

28 (b) The President is satisfied that there are no rights subsisting in  
29 respect of the land, the President may vest the land in the Authority by means of  
30 a certificate under the hand and seal of the Registrar of Deeds.

1 (4) Where a declaration is made under subsection (1) of this section  
2 in respect of any customary land and-

3 (a) The rights relating to such land have been revoked pursuant to  
4 subsection (2) (b) of this section; or

5 (b) The Governor of the State in which the land is situated is  
6 satisfied that there are no rights subsisting in respect of the land, the  
7 Governor may grant to the Authority a right of occupancy of the land on such  
8 terms and conditions as he thinks fit.

9 (5) A plan of any land referred to in subsection (1) of this section

10 (a) containing measurements of the boundaries of the land;

11 (b) Showing the relationship of the land to any sufficient  
12 identifying mark; and

13 (c) Signed by the Managing Director, shall be sufficient  
14 description of the land for the purposes of an application under the  
15 subsection.

16 (6) The Authority shall not without the approval in writing of-

17 (a) the President; or

18 (b) in the case of customary land, the Governor of the state in which  
19 the land is situated, mortgage, charge, assign or otherwise alienate any land  
20 or any right of occupancy or other right in land vested in it under this section.

21 **19.-(1)** Notwithstanding anything in any other enactment-

22 (a) any property vested in the Authority shall not be acquired  
23 compulsorily; and

24 (b) no mining operations shall be carried on, on any land vested in  
25 the Authority or any land over which the Authority is entitled to rights of  
26 support for benefits of lands so vested, except with the prior approval in  
27 writing of the President.

28 (2) Any person who suffers any loss by reason of the provisions of  
29 subsection (1) (b) of this section shall be-

Protection of  
land vested in the  
Authority

	1	(a) paid adequate compensation by the Authority in respect of the
	2	loss; and
	3	(b) entitled to institute an action in the Federal High Court to
	4	determine the extent of his loss and the amount of compensation payable
	5	pursuant to this subsection.
	6	(3) This section binds the Government of the Federation and
	7	Government of any state in the Federation including the Federal Capital.
	8	PART VI - MISCELLANEOUS
Power of Minister to give directives	9	<b>20.</b> The Minister may give to the Board directives of a general nature
	10	in writing with respect to any of the functions of the Authority under this Act.
Protection of employees of the Authority	11	<b>21.</b> The Public Officers Protection Act shall apply to employees of
	12	the Authority in respect of anything done or omitted to be done in the course of
	13	their employment by the Authority.
Regulations	14	<b>22.</b> The Board may, with the approval of the Minister, make
	15	regulations generally to give full effect to the provisions of this Act.
Interpretation	16	<b>23.</b> In this Act, unless the context otherwise requires-
	17	“appropriate law” in relation to a State means any law in force in the State
	18	defining customary lands and providing for the revocation of rights relating
	19	thereto if any such land is required for public purposes of the Federation;
	20	“Authority” means the Federal Housing Authority established by section 1 of
	21	this Act;
	22	"Board" means the Board of Directors of the Authority constituted under
	23	section 2 of this Act;
	24	"Chairman" means the Chairman of the Board of Directors appointed pursuant
	25	to section 2 of this Act;
	26	“Customary land" in relation to a State means customary land in a State within
	27	the meaning of the appropriate law;
	28	"Functions" include power and duties:
	29	“Government” means the Government of the Federal Republic of Nigeria;
	30	“High Court” means the Federal High Court or State High Court;

1 “Mining .operations” include prospecting for minerals, extracting of  
2 minerals and activities preparatory or incidental thereto; and

3 “Minister” means the Minister charged with the responsibility for housing.

4 **24.** This Bill may be cited as the Federal Housing Authority Bill; Citation  
5 2019

6 SCHEDULE

7 *Section 2(4)*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE PROCEEDINGS

9 OF THE BOARD

10 1. The Board shall meet at least four times each year at such times  
11 and places designated by the Chairman.

12 2. if not less than seven (7) members make a written request to the  
13 Chairman for an extraordinary meeting to be convened, the Chairman shall  
14 summon a meeting to be held within fifteen days from the date on which he  
15 received the request.

16 3. The Chairman shall preside at meetings of the Board, and if he is  
17 absent from a meeting the members present shall elect one of their member  
18 to preside at the meeting.

19 4. At the meeting of the Board the Chairman and seven (7)  
20 members shall form a quorum and in the case of an equality of votes, the  
21 Chairman or other person presiding shall have a second or casting vote.

22 5. Subject to this Act, the Board may make Standing Orders  
23 regulating the proceedings of the Board.

24 6. Any summons, notice or other documents require or authorised  
25 to be served on the Authority may, except where there is express provision to  
26 the contrary, be served by-

27 (a) delivering it to the Managing Director; or

28 (b) sending it by registered post addressed to the Managing  
29 Director at the principal office of the Authority.

30 7. The fixing of the seal of the Authority shall be authenticated by

1 the signature of the Managing Director and the Secretary to the Board.

2 8. Any contract or instrument which, if made or executed by a person  
3 not being a body corporate, would not be required to be under seal, may be  
4 made or executed on behalf of the Authority by any person generally or  
5 specially authorised to act for that purpose by the Board.

6 9. Any document purporting to be a contract, instrument or other  
7 document duly signed or sealed on behalf of the Authority shall be received in  
8 evidence and, unless the contrary is proved, be presumed without further proof  
9 to have been so signed or sealed.

10 10. Any member who has a personal interest in any contract or  
11 arrangement entered into or proposed to be considered by the Board shall  
12 disclose his interest to the Board and shall not vote on any question relating to  
13 the contract or agreement.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Federal Housing Authority Act, Cap. F14, LFN, 2014 and enact the Federal Housing Authority Bill and determine the overall policy of the Authority and in particular the financial, economic and operational programmes of the Authority and ensuring the implementation of such policies and programmes.