A BILL
FOR
AN ACT TO ESTABLISH THE NORTH CENTRAL DEVELOPMENT COMMISSION
CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE
AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT
FOR THE RECONSTRUCTION AND REHABILITATION OF ROADS, HOUSES
AND OTHER INFRASTRUCTURAL DAMAGES SUFFERED BY THE REGION AS
A RESULT OF THE EFFECT OF THE COMMUNAL CRISIS AS WELL AS
TACKLE THE ECOLOGICAL PROBLEMS AND ANY OTHER RELATED
ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH
CENTRAL STATES AND FOR RELATED MATTERS

Sponsored by Hon. Simon D. Mwadiwono

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

PART 1 - ESTABLISHMENT OF THE NORTH CENTRAL DEVELOPMENT
COMMISSION AND THE GOVERNING BOARD

1.- (1) There is established a Commission to be known as North
Central Development Commission (in this Bill referred to as "the
Commission"):  
(2) The Commission shall be a body corporate with perpetual
succession and a common seal and may sue or be sued in its corporate name.

2.- (1) There is established for the Commission, a body to be known
as the Governing Board (in this Bill referred to as "the Board") which shall
consist of:
(a) Chairman;
(b) One person who shall be an indigene to represent the following
member states, that is-
(I) Benue;
(ii) FCT;
(iii) Yogi;
(iv) Kwara;
(v) Nasarawa;
(vi) Niger; and
(vii) Plateau.
(c) three persons to represent the following Security Organisation-
(i) the Army who shall not be below the rank of a Colonel;
(ii) the Police who shall not be below the rank of Superintendent of
Police; and
(iii) the Civil Defence Corp who shall not be below the rank of Deputy
Commandant.
(d) one representative of Solid minerals extracting and Mining
producing companies in the North Central States nominated by those
companies;
(e) one person to represent the Federal Ministry of Finance;
(f) one person to represent the Federal Ministry of Environment;
(g) the Managing Director of the Commission; and
(h) two executive Directors;
(2) The Chairman and other members of the Board Shall-
(a) be appointed by the President, subject to the confirmation of the
Senate, in consultation with the House of Representatives; and
(b) be person of proven integrity and ability.
(3) The members of the Board referred to in paragraph (1-2) of sub-
clause (1) of this Bill shall be part-time members.
(4) The supplementary provisions set out in the Schedule to this Bill
shall have effect with respect to the proceedings of the Board and the other
matters contained therein.

3. Subject to the provisions of clause 4 of this Bill, a member of the
Board, other than an ex-officio member, shall hold office for a term of 4 years at
the first instance and may be re-appointed for a further term of 4 years and no
more.

4. The office of the Chairman shall rotate amongst the member
states of the Commission in the following alphabetical order-

(i) Benue;
(ii) FCT;
(iii) Kogi;
(iv) Kwara;
(v) Nasarawa;
(vi) Niger; and
(vii) Plateau.

5.- (1) A member of the Board other than ex-officio member, may resign his or her appointment by notice in writing addressed to the President.
Which resignation shall take effect only upon receipt and approval by the President.

(2) A member of the Board may cease membership if the member-
(a) becomes of unsound mind, or incapable of carrying out his duties;
(b) becomes bankrupt, suspends payment or compounds with his creditors;
(c) is convicted of a felony or any offence involving dishonesty or fraud;
(d) is guilty of serious misconduct in relation to his duties;
(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) resigns his appointment by a letter addressed to the President.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by appointment of a person representing the area where the
vacancy exists, to complete the remainder of the term of office of the
predecessor and shall be appointed by the President subject to the confirmation
of the Senate in consultation with the House of Representatives.

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

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

7.-(1) The Commission shall-

(a) formulate policies and guidelines for the development of the North
Central States;

(b) conceive, plan and implement, in accordance with the set rules and
regulations, projects and programmes for the sustainable development of the
North Central States in the field of transportation including roads, health,
education, employment, agriculture, industrialization, housing and urban
development, water supply, electricity and telecommunications;

(c) cause the North Central States to be surveyed in order to ascertain
measures which are necessary to promote its physical and socio-economic
development;

(d) prepare master plans and schemes designed to promote the
physical development of the North Central States and the estimates of the costs
of implementing such master plans and schemes;

(e) implement all the measures approved for the development of the
North Central States by the Federal Government and the member States of the
Commission;

(f) identify factors inhibiting the development of the North Central
States and assist the member States in the formulation and implementation of
policies to ensure sound and efficient management of the resources of the
North Central States;

(g) assess and report on any project being funded or carried out in the
North Central States by mineral extracting and mining companies, oil and gas
producing companies, and any other company including non-governmental
organisations and ensure that funds released for such projects are properly
utilized;

(h) tackle ecological and environmental problems that arise from
the extraction and mining of solid mineral, exploration of oil mineral in the
North Central States and advise the Federal Government and the member
States on the prevention and control of oil spillages, gas flaring and
environmental pollution;

(i) liaise with the various solid mineral extraction and mining
companies and oil and gas prospecting and producing companies on all
matters of pollution prevention and control; and

(j) execute such other works and perform such other functions
which in the opinion of the Commission are required for the sustainable
development of the North Central States and its peoples.

(2) In exercising its functions and powers under this clause, the
Commission shall have regard to the varied and specific contributions of
each member State of the Commission.

(3) The Commission shall be subject to the direction, control or
supervision in the performance of its functions under this Bill by the
President of the Federal Republic of Nigeria.

8. The Board shall have power to:

(a) Manage and superintend the affairs of the Commission;

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

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

(d) pay the staff of the Commission such remuneration and
allowances as are payable to persons of equivalent grades in the civil service
of the Federation;

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

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

(g) pay to persons so employed such remuneration, including
allowances, as the Board may determine; and

(h) do such other things as are necessary and expedient for the
efficient performance of the functions of the Commission.

PART III - STRUCTURE OF THE COMMISSION

9.-(1) There shall be established in the head office of the Commission,
the following Directorates:

(a) the Directorate of Administration and Human Resources;

(b) the Directorate of Community and Rural Development;

(c) the Directorate of Utilities, Infrastructural Development and
waterways;

(d) the Directorate of Environmental Protection and Control;

(e) the Directorate of Finance and Supply;

(f) the Directorate of Solid Minerals, Agriculture and Fisheries;

(g) the Directorate of Planning, Research and Statistics and
Management Information System;

(h) the Directorate of Legal Services;

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

(j) the Directorate of Commercial and Industrial Development; and

(k) the Directorate of Projects Monitoring and Supervision.

(2) The Board may increase the number of Directorates as it may
demean necessary and expedient to facilitate the realization of the objectives of
the Commission.
10. There shall be for the Commission, a Management Committee which shall:

(a) consist of a Chairman who shall be the Managing Director;
(b) the Directors responsible for the Directorates established under Clause 9 of this Bill and such number of other members as may be determined from time to time by the Board;
(c) be responsible to the Board and the Managing Director for the general administration of the Commission.

11.- (1) There is hereby established for the Commission, A North Central Development Advisory Committee (in this Bill referred to as 'the Advisory Committee') which shall consist of:

(a) the Governors of the member States of the Commission; and
(b) two persons as may be determined, from time to time, by the President of the Federal Republic of Nigeria.

(2) The Advisory Committee shall be charged with the responsibility of advising the Board and guiding and monitoring the activities of the Commission with a view to achieving the objectives of the Commission.

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

PART IV - STAFF OF THE COMMISSION

12.- (1) There shall be for the Commission, a Managing Director, and two Executive Directors who shall be indigenes of the North Central States and shall rotate amongst the member States in alphabetical order and shall:

(a) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Bill; and
(b) be the chief executive and accounting officer of the Commission;
(c) be appointed by the President of the Federal Republic of
Nigeria and confirmed by the Senate in consultation with the House of
Representatives;

(d) hold office on such terms and conditions as to emolument,
conditions of service as may be specified in his letter of appointment and
subject to the provision of clause 3 of this Bill.

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

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

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

(c) For-

(i) the administration of the secretariat of the Board; and

(ii) the general direction and control of all other employees of the
Commission.

(3) The Board shall have power to-

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

(b) pay to persons so employed such remuneration (including
allowances) as the Board may, after consultation with the Federal Civil Service
Commission, Determine.

13.- (1) Service in the Commission shall be approved service for the
purposes of the Pensions Act:

(2) The officers and other persons employed in the Commission shall
be entitled to pensions, gratuities and other retirement benefits as are enjoyed
by Persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this clause shall prevent the
appointment of a person to any office on terms which preclude the grant of
pension and gratuity in respect of that office.
(4) for the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission, and not by any other person or authority.

PART V - FINANCIAL PROVISIONS

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

(2) There shall be paid and credited to the fund established pursuant to sub-clause (1) of this Bill-

(a) from the Federal Government, the equivalent of 15 per cent of the total monthly statutory allocations due to member States of the Commission from the Federation Account;

(b) 3 per cent of the total annual budget of any oil producing company operating, on shore and off shore, in the North Central States; including gas processing companies;

(c) 3 percent of the total annual budget of any Solid mineral extracting mining company operating in the North Central States;

(d) 50 per cent of monies due to member States of the Commission from the Ecological Fund;

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

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

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

(3) The fund shall be managed in accordance with the rules made by the Board, and without prejudice to the generality of the power to make rules under this sub-clause, the rules shall in particular contain provisions-
(a) specifying the manner in which the assets or the fund of the
Commission are to be held, and regulating the making of payments into and out
of the fund; and
(b) requiring the keeping of proper accounts and records for the
purpose of the fund in such form as may be specified in the rules.

15. The Commission shall apply the proceeds of the fund established
pursuant to clause 14 of this Bill to-
(a) the cost of administration of the Commission;
(b) the payment of salaries, fees, remuneration, allowances, pensions
and gratuities payable to the members of the Board specified in clause 6 of this
Bill or any committee of the Board and the employees of the Commission;
(c) the payment for all contracts, including mobilization, fluctuations,
variations, legal fees and cost on contract administration;
(d) the payment for all purchases; and
(e) Undertaking such other activities as are connected with all or any
of the functions of the Commission under this Bill.

16.- (1) The Commission may accepts gifts of land, money or other
property on such terms and conditions, if any, as may be specified by the person
or organization making the gift.
(2) The Commission shall not accept any gift if the conditions
attached by the person or organization making the gift are inconsistent with the
functions of the Commission under this Bill.

17. The Commission may, with the consent of the President of the
Federal Republic of Nigeria, borrow, on such terms and conditions as the
Commission may determine, such sums of money as the Commission may
require in the exercise of its functions under this Bill.

18.- (1) The Board shall, not later than 30th September in each year,
submit to the President of the Federal Republic of Nigeria, an estimate of the
expenditure and income of the Commission during the next succeeding year.
(2) The Board shall cause to be kept proper accounts of the
Commission in respect of each year and proper records in relation thereto
and shall cause the accounts to be audited not later than 6 months after the
end of each year by auditors appointed from the list and in accordance with
the guidelines supplied by the Auditor-General for the Federation.

19. The Commission shall, at the end of very quarter in each year,
submit Quarterly Report to the President of the Federal Republic of Nigeria,
a report on the activities and administration of the Commission

20.- (1) The Board shall prepare and submit to the President of the
Federal Republic of Nigeria, not later than 30th June in each year, a report in
such form as the President of the Federal Republic of Nigeria, may direct, on
the activities of the Commission during the immediately preceding year, and
shall include in the report a copy of the audited accounts of the Commission
for that year and the auditor's report thereon;

(2) The President of the Federal Republic of Nigeria shall, upon
receipt of the report referred to in sub-clause (1) of this clause, cause a copy
of the report and the audited accounts of the Commission and the auditor's
report thereon to be submitted to each House of the National Assembly.

PART VI - MISCELLANEOUS

21.- (1) There is hereby established for the Commission a
Monitoring Committee which shall consist of such number of persons as the
President of the Federal Republic of Nigeria, may deem fit to appoint from
the public or civil service of the Federation.

(2) The Monitoring Committee shall-
(a) monitor the management of the funds of the Commission and
the implementation of the projects of the Commission; and
(b) have access to the books of account and other records of the
Commission at all times, and submit periodical reports to the President
Federal Republic of Nigeria.

22.- (1) For the purposes of providing offices and premises
necessary for the performance of its functions under this Bill, the
Commission may, subject to the Land Use Act-

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

and

(b) Construct offices and premises and equip and maintain same.

(2) The Commission may, subject to the Land Use Act, sell or lease

out any office or premises held by it, which office or premises is no longer

required for the Performance of its functions under this Bill.

23. Subject to the provisions of this Bill, the President of the Federal
Republic of Nigeria, may give to the Commission directives of a general nature
or relating generally to matters of policy with regard to the performance by the
Commission of its functions and it shall be the duty of the Commission to
comply with the directives.

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

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

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

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

25. A notice, summons or other document required or authorized to
be served upon the Commission under the provisions of this Bill or any other
law or enactment may be served by delivering it to the Managing Director or by
sending it by registered post and addressed to the Managing Director at the
principal office of the Commission

26.- (1) In any action or suit against the Commission, no execution
or attachment of process in the nature thereof shall be issued against the
Commission.

(2) Any sum of money which may by the judgment of any court be
awarded against the Commission shall, subject to any direction given by the
court where notice of appeal of the said judgment has been given, be paid
from the general reserve fund of the Commission.

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

28. The Commission may, with the approval of the President of the
Federal Republic of Nigeria, make regulations, generally for the purposes of
giving full effect to this Bill.

29. In this Bill-

"Chairman" means the Chairman of the Board;

"Commission" means the North Central Development Commission
established by clause 1 of this Bill;

"Board" means the governing Board established for the Commission under
clause 2 (1) of this Bill;

"member" means a member of the Board and includes the Chairman,
Managing Director and Executive Directors;

"member States" include Benue, FCT, Kogi, Kwara, Nasarawa, Niger, and
Plateau.

30. This Bill may be cited as the North Central Development
Commission (Establishment, etc.) Bill, 2019.
Schedules

Supplementary Provisions Relating To The Board, Etc.

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

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Managing Director or one Executive Director and one third other members of the Board. The quorum of any committee of the Commission shall be as determined by the Board.

2-(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.

3.- (1) The Board may appoint one or more committees to carry out on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

4.- (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorized by the Board to act for the purpose and the Managing Director.

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

5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by-

(a) a vacancy in the membership of the Board or committee;
(b) a defect in the appointment of a member of the Board or committee; or
(c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the North Central Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account for the reconstruction and rehabilitation of roads, houses and other infrastructural damages suffered by the region as a result of the effect of the Communal Crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the North Central States.