

VETERANS WELFARE FUND (ESTABLISHMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE VETERANS WELFARE FUND (ESTABLISHMENT AND MANAGEMENT) AND FOR OTHER MATTERS CONNECTED THEREWITH, 2020

Sponsored by Senator Abba Moro

[] Commencement

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

1 PART 1 - ESTABLISHMENT AND COMPOSITION, ETC., OF THE VETERANS
2 WELFARE FUND AND MANAGEMENT BOARD, ETC.

3 1.-(1) There is hereby established a Fund to be known as the
4 Veterans Welfare Fund (in this Bill referred to as "the Fund") into which
5 shall be paid all monies prescribed under this Bill, and monies received as
6 donations, bequeaths, trusts and contributions for the welfare of retired and
7 serving members of the armed forces of Nigeria.

Establishment
of the Veterans
Welfare Fund

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

10 (3) The Fund shall be located in the Ministry of Defence and shall
11 not be subject to the direction, control or supervision of any other authority
12 or person in the performance of its function under this Bill other than the
13 President of the Federal Republic of Nigeria or such other person or persons
14 as the President may from time to time prescribe.

15 2.-(1) There is hereby established for the management of the Fund,
16 a body to be known as the Veterans Welfare Fund Management Board (in
17 this Bill referred to as "the Board") which shall, subject to this Bill, have
18 general control of the Fund.

Establishment
of the Veterans
Welfare Fund
Management
Board

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

20 (a) A chairman; who shall be appointed by the president, provided

1 that only retired members of the armed forces not below the rank of a Brigadier
2 General shall be eligible for appointment as chairman;

3 (b) Two serving representatives who shall not be above the rank of a
4 Brigadier General or its equivalent from the Army, Navy and Air Force
5 respectively, provided that no person may be nominated more than once by the
6 Force he represents;

7 (c) The director of the Veterans Affairs Division in Defence
8 Headquarters;

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

11 (e) A representative of the Nigerian Legion;

12 (f) Two representatives of civil society organizations registered to
13 promote the welfare of Veterans or members of the families of military men
14 who die in the line of duty;

15 (g) Such other persons as the President may appoint along with the
16 Chairman as Board members.

17 (3) The chairman and members of the Board shall be persons of
18 proven integrity, medically fit and hardworking;

Tenure of office

19 **3.-**(1) The chairman and members of the Board and other members
20 nominated from each of their respective agencies or ministries shall hold office
21 for a period of four years, after which their tenure shall expire and stand
22 dissolved.

23 (2) At ninety days (90) before the tenure of every board expires, the
24 Chief of Defence Staff shall forward to the Minister of Defence the name of the
25 Director of Veterans Affairs Division along with the names of the
26 representatives of members of the Armed Forces named in section 2(2)(b) of
27 this Bill as shall be made available to him by the Chief of Army Staff, the Chief
28 of Naval Staff and the Chief of Air force for inauguration as soon as a new
29 Board Chairman is appointed by the President.

30 (3) As soon as the Minister of Defence receives the nominations from

1 the Chief of Defence Staff, he shall promptly require the Ministry of Finance
2 and Ministry of Humanitarian Affairs to forward their nominations within
3 14 days and thereafter forward the list to the President with request to
4 appoint a Chairman under section 2(2)(a) of this Bill and inaugurate a new
5 Board.

6 (4) The appointment of the Chairman and inauguration of Board
7 members under this Bill shall be done by the President only on the occasion
8 of Armed Forces Remembrance Day.

9 (5) A member of the Board may resign his nomination by a notice
10 in writing requesting his agency or service to replace him, provided that
11 such resignation shall take effect only upon acknowledgement of same by
12 the highest ranking officer of his agency who shall promptly convey same to
13 the Chairman of the Board with a replacement.

14 4.-(1) A member of the Board shall cease to hold office if:

Cessation of
membership

15 (a) he becomes sick and unable to perform duties assigned to him
16 by the chairman;

17 (b) he becomes of unsound mind;

18 (c) he becomes bankrupt or makes a compromise with his
19 creditors;

20 (d) he is convicted of a felony or of any offence involving
21 dishonesty;

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

23 (f) he ceases to be in the service of the Armed Forces or the
24 Ministry that nominated him as a member of the Board.

25 (2) Where a vacancy occurs in the membership of the Board by
26 virtue of the foregoing provisions, the Chairman of the Board or anyone
27 acting on his behalf shall promptly request the agency or the Chief of
28 Defence Staff to nominate a replacement to complete the tenure of the
29 person replaced.

Functions of
the Board

1 PART II - FUNCTIONS OF THE BOARD

2 5.-(1) The Board shall be responsible for:

3 (a) receiving into a designated account and managing the monies
4 accruing to the Fund for the execution of projects and other schemes prescribed
5 under this Bill;

6 (b) exercising control over the management of the Fund with a view to
7 ensuring accountability and proper utilization of the Fund for the purposes set
8 out in this Bill;

9 (c) Providing fund for the treatment of members of the armed forces
10 taken down with ailments or combat injuries not covered by National Health
11 Insurance Scheme (NHIS);

12 (d) Subscribing the NHIS for retired veterans with Federal
13 Government funding based on statistics to be submitted on annual basis for
14 inclusion in Federal budget;

15 (e) requesting state governments to provide lands in suitable locations
16 for building of residential estates for retiring members of the Armed Forces in
17 such states;

18 (f) build retirement residential apartments for members of the armed
19 forces according to their ranks in their choice states of the Federation;

20 (g) creating and maintaining a 50% Discounted Debit Card Scheme
21 (DDCS) for members of the armed forces to access designated services or basic
22 purchases registered under the scheme, provided that the Cards shall be funded
23 by the cardholders only to the limit of their individual monthly salaries for
24 discounted purchases;

25 (h) paying the service providers or merchants registered under the
26 DDCS such discounted sums accruing from purchases from time to time;

27 (i) liasing with Defence Headquarters Security, Ministries, Extra-
28 Ministerial Departments, the State and local governments for necessary
29 collaborations towards effective discharge of their duties and for the purpose of
30 achieving the objectives set out in this subsection;

1 (j) entering into contractual agreements as may be necessary for the
2 purpose of achieving the objectives set out in this Act, provided that every
3 such agreement shall contain a clause that it is subject to approval by the
4 joint session of the Economic and Financial Crimes Commission, the
5 Independent Corrupt Practices Commission and the Bureau of Public
6 Procurement;

7 (k) carrying out such other activities as are necessary and expedient
8 for the purpose of achieving the objectives set out in this section of this Bill;
9 provided that every contractual agreement entered into under this Bill shall
10 be submitted to the Economic and Financial Crimes Commission, the
11 Independent Corrupt Practices Commission and the Bureau of Public
12 Procurement for joint review and approval.

13 (2) In every case whenever a contractual agreement is submitted to
14 the Economic and Financial Crimes Commission, the Independent Corrupt
15 Practices Commission and the Bureau of Public Procurement for joint
16 review and approval, the named agencies shall within one month from the
17 date of submission of such agreement forward a Notice of Approval or a
18 Notice of Disapproval to the Board and the Minister.

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

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

29 (5) Where any qualified company is recommended to the Board for
30 the execution of any contractual agreement as prescribed in subsection (4)

1 above, the Board shall within one month of receiving such recommendation
2 sign an agreement with the said company and mobilize it for the execution of
3 the project involved.

4 PART III - APPOINTMENT OF SUPPORT STAFF OF THE FUND

Power of the
Chairman

5 6. The Chairman shall have power:

6 (1) to appoint a member of the Board as secretary, and the secretary so
7 appointed shall perform the functions of keeping the records of proceedings
8 and decisions of the Board and such other functions as the Board may, from
9 time to time, direct.

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

14 (3) to pay members of the committee, and such persons as may be
15 appointed in subsection (2) above, monthly allowances not more than 25% of
16 the net amount that the member or person receives as monthly salaries through
17 his or her employer, provided that no civil society organization in the
18 committee shall at any time be paid any amount above the allowance payable to
19 the chairman under this section.

20 PART IV - FINANCIAL PROVISIONS

Sources of Fund

21 7.-(1) There shall be paid and credited to the Fund established by this
22 Bill:

23 (a) all monies accruing to the Fund by virtue of section 1 (1) of this
24 Bill;

25 (b) all deductions from monthly emoluments of members of the
26 armed Forces by the Federal Mortgage Bank or such other agencies
27 responsible for mortgage deductions, which agency shall from the
28 commencement of this Bill desist henceforth from dealing with deductions
29 from the armed forces otherwise than as prescribed under this Bill.

30 (c) aggregates of 1% of the total annual profit before tax by Banks and

1 other Companies in Nigeria with share capitals of N10,000,000.00 (Ten
2 Million Naira) and above through the Federal Inland Revenue Service on or
3 before the so" day of January of the following year;

4 (d) aggregates of 1% of the total annual revenue realized by the
5 Nigeria Customs Service, Nigeria Immigration Service and Nigerian Ports
6 Authority on or before the so" day of January of the following year;

7 (e) annual subventions, grants or donations as may be received
8 from the Federal, States and Local Government;

9 (f) such money as may, from time to time, be donated to it by corporate
10 bodies, distinguished statesmen, philanthropists, relevant local and
11 international humanitarian organizations as may be allowed by the Federal
12 Government.

13 (g) all other assets which may, from time to time, accrue to the
14 Fund.

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

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

19 (a) the annual administrative cost of running the Board as approved
20 by the Minister; provided that members of the Board (including the
21 Chairman) shall not be paid anything out of the Fund, apart from their Duty
22 Tour Allowances as prescribed by the Financial Regulations, provided also
23 that the Board shall maintain its office within the Office within Office
24 Complex of the Ministry of Defence and shall not procure more than two
25 buses every four years for their movements within the Federal Capital
26 Territory;

27 (b) the payment of Duty Tour Allowances and such other
28 allowances as may be prescribed under section 7(3) of this Bill.

29 **8.-(1)** The Board may accept gifts of land, money or other property
30 upon such terms and conditions, if any, as may be specified by the person or

Power to accept
gifts

	1	organization making the gift, provided that the condition(s) attached are not
	2	inconsistent with the objectives of the Fund under this Bill.
Exemption from tax	3	9. -(1) The Board shall be exempted from the payment of income tax
	4	on any income accruing to the Fund from the sources prescribed under this Bill.
	5	(2) The provisions of any enactment relating to the taxation of
	6	companies, trust funds or support funds shall not apply to the Board or the
	7	Fund.
Budget	8	10. The Board shall not later than 31 October submit to the Minister
	9	for approval an estimate of its expenditure and income during the next
	10	succeeding year.
Housing Benefits	11	11. -(1) Relying on regular adequate retirement data update from the
	12	Army, Naval and Air Force Headquarters, the Board shall build a befitting
	13	residential apartment for every retiring member of the Armed Forces according
	14	to ranks categorisation, and have same allocated within five (5) years before
	15	the retirement of the said member at no cost or charges beyond the monthly
	16	deductions made from his salaries by Federal Mortgage Bank over the years in
	17	service and remitted to the Fund. Provided that this benefit shall not apply to
	18	any member voluntarily retiring before his or her due dates, with the exception
	19	of retirement occasioned by permanent incapacitation due to injury or on
	20	serious health grounds.
	21	(2) Whenever a member of the Armed Forces dies in active service,
	22	the total deductions made from his salaries and remitted to this Fund by the
	23	Federal Mortgage Bank shall be calculated and paid to the surviving spouse
	24	registered as a beneficiary under the National Health Insurance Scheme
	25	(NHIS) for the purpose of supporting the children or aged parents left behind,
	26	provided the payment of such a benefit shall not disqualified the said spouse
	27	and kids from enjoying other free temporary housing programmes that may be
	28	available to them as families of fallen servicemen.
Health Benefits	29	12. -(1) Every member of the armed forces who retires from service
	30	shall along with his spouse continue to enjoy free health care services under the

1 NHIS, and the usual monthly deductions from his salary for the NHIS shall
2 be paid by the Board for the rest of their lives.

3 (2) When any member of the armed forces sustain any grievous
4 harm in the line of duty or is taken down with ailments not covered by the
5 NHIS, the Board shall provide fund for his treatment.

6 **13.** The Board shall create and maintain a 50% Discounted Debit
7 Card Scheme (DOCS) for members of the armed forces to access designated
8 services or basic purchases registered under the scheme, provided that the
9 Cards shall be funded by the cardholders to the limit of their individual
10 monthly salaries only for discounted purchases.

Economic
Benefits

11 **14.-(1)** From the commencement of this Bill, all banks, companies
12 and other corporate bodies rendering public and private services shall treat
13 veterans and members of the armed forces with attention, respect and
14 gratitude for the enormous sacrifices they are making to keep the country
15 safe.

Preferential
Benefits and
Public Respect

16 (2) Pursuant to section 14(1) above, all banks, companies and other
17 corporate bodies rendering public and private services shall designate a
18 special desk or section in their company to promptly attend to veterans and
19 members of the armed forces accessing their services, or attend to them out
20 of turn upon showing their identification where no special desks are
21 designated by the company.

22 **15.-(1)** The Board shall cause to be prepared not later than so"
23 September in each year an estimate of the expenditure and income of the
24 Fund during the next succeeding year and submit same to the Minister for
25 approval.

Annual Estimates,
Accounts and
Audits

26 (2) The Board shall cause to be kept proper accounts of the Fund
27 and proper records in relation thereto, and such accounts shall on yearly
28 basis be audited by auditors appointed by the Auditor-General of the
29 Federation and the audit report shall be forwarded to the Economic and
30 Financial Crimes Commission, the Independent Corrupt Practices

	1	Commission and the Bureau of Public Procurement within one month of the
	2	audit.
Quarterly Report	3	16. The Board shall, notwithstanding the provision of section 17 of
	4	this Bill and at the end of every three months, submit to the Minister a report on
	5	its activities and administration of the Board in relation to the Fund.
Annual Report	6	17. The Board shall not later than three months before the end of each
	7	year, submit to the Minister a report on the activities and the administration of
	8	the Board in relation to the Fund during the immediately preceding year and
	9	shall include in such reports the auditor's report thereon.
	10	PART V - OFFENCES AND PUNISHMENTS
Offences and Punishments	11	18. -(1) The Chairman or any member of the Board who violates the
	12	provision of section 5(1)(j)-(k) or section 19(10) of this Bill commits an
	13	offence, and shall upon conviction be liable to life imprisonment.
	14	(2) The Chairman or any member of the Committee who violates the
	15	provisions of section 6(3) or section 7(2) and (3) of this Bill, commits an
	16	offence, and shall upon conviction be liable to life imprisonment.
	17	(3) The Chairman or any member of the Board who conspires with
	18	any authority or person to contravene any provisions of this Act or any other
	19	law in relation to the Fund, commits an offence, and both the Chairman or
	20	Board member shall along with that other authority or person be liable upon
	21	conviction to life imprisonment.
	22	(4) Any Chairman and/or the managing director of any company,
	23	Federal Mortgage Bank or the head of any agency who fails to remit the
	24	statutory sum prescribed under section 7 of this Act on or before the due date,
	25	commit an offence, and shall upon conviction be liable to 7 years imprisonment
	26	without an option of fine. In addition, whether or not a charge is filed against
	27	the offender, it shall be illegal for the head of any agency of government
	28	involved in such default to continue to hold his office beyond the due date, and
	29	any member of the public or civil society organization may approach the Court
	30	to declare his office vacant and order the Federal Government to replace him.

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

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

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

13 (ii) to death, if fatalities were recorded in the operation that led to
14 his defection, or if he was subsequently found to be in contact with any
15 member of his family after his defection;

16 (7) Any head of a company, staff or member of the general public
17 who violates the provisions under section 14 of this Bill is guilty of an
18 offence, and shall upon conviction be liable to imprisonment for seven (7)
19 years.

20 (8) The provisions of section 416(2)(e) of the Administration of
21 Criminal Justice Act shall not apply to absolve any offender under this Act
22 from maximum punishment, whether or not he is a first time offender.

23 PART VI - MISCELLANEOUS

24 **19.-**(1) Subject to this Act and section 27 of the Interpretation Act,
25 the Board may make standing orders regulating its proceedings or those of
26 any of its ad-hoc Boards.

Proceedings of
the Board

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

30 (3) The Board shall meet not less than two times in a month, and at

1 such other time as may be determined the Chairman.

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

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

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

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

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

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

23 (10) No contract shall be entered into or executed by the Chairman or
24 any member of the Board on behalf of the Fund, and no money shall be
25 disbursed for the execution of any such contracts unless the approval of the
26 joint Committee of the agencies named in section 5(1)(j) and (k) of this Act is
27 first had and obtained by the Board.

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

1	20. Subject to the provisions of this Bill, the President may give to	Power of the President to give directives
2	the Board such directives of a general nature with regard to the exercise by	
3	the Board of its functions under this Bill and it shall be the duty of the Board	
4	to comply with the directives.	
5	21. In this Bill, unless the context otherwise requires:	Interpretation
6	"Minister" means the Minister of Defence;	
7	"Ministry" means the Ministry of Defence;	
8	"Fund" means the Veterans Affairs Fund established by section 1 of this Bill;	
9	"Board" means the Veterans Affairs Fund Management Board established	
10	by section 2 of this Bill;	
11	"Chairman" means the chairman appointed under section 2 (3) of this Bill;	
12	"Secretary" means the secretary to the Board appointed under section 7 of	
13	this Bill.	
14	21. This Bill may be cited as the Veterans Welfare Fund	Short title
15	(Establishment) Bill, 2020.	

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Veterans Welfare Fund to among other things:

1. Enhance the welfare of serving or retired members of the armed forces in compensation of the enormous sacrifices they are making for the nation.
2. To boost patriotism, gallantry and morale in the men at the frontline.