

**REPORT OF A BILL FOR AN ACT TO ESTABLISH THE DEFENCE INTELLIGENCE AGENCY
CIVILIAN PENSIONS BOARD TO HANDLE PENSION MATTERS FOR CIVILIAN PERSONNEL
OF THE AGENCY AND FOR RELATED MATTERS, 2019 (HB. 1557)**

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

PROVISION OF BILL	COMMITTEE'S RECOMMENDATION	REMARK
PART I — GENERAL Establishment of a pension's board for civilian personnel of the Defence Intelligence Agency. 1. (1) There is established a Pensions Board (in this Bill referred to as "the Board") which shall be charged with the responsibility of managing payment of pensions and gratuities to civilian personnel of the Agency. <i>Application of the Bill to civilian personnel who retired before the commencement of this Bill.</i> (2) This Bill shall apply to all personnel of the Agency including those who had retired before the commencement of this Bill. (3) The retirement benefits of personnel referred to in subsection (2) above shall be adjusted to be commensurate with the provisions of this Bill.	Retained	
Computation of pension or gratuity. 2. (1) Subject to the provisions of this Bill, any pension or gratuity payable to any personnel under this Bill shall be computed in accordance with the provisions of the Agency's Regulations. (2) In computing pensionable service and qualifying service for the purpose of this Bill, any period of service over six months and not included in a completed year shall, for the purpose of the schedule to this Bill as it relates to personnel entitled to a pension, count as one year.	Retained	
Pension, etc. to be charged on revenue of Nigeria. 3. There shall be charged on and paid out of the Consolidated Revenue Fund of the Federation, all such sums of money as may, from time to time, be granted by the Federal Government by way of pension and gratuity in accordance with this Bill.	Retained	
Circumstances in which pension may be granted. 4. (1) No pension or gratuity shall be granted under this Bill to any personnel except on his retirement from the Agency in any of the following circumstances —	Retained	

(a) after serving for thirty-five (35) years or attained the age of sixty (60) years, whichever is earlier;

(b) upon voluntary retirement after serving for not less than ten years;

(c) upon compulsory retirement under the provisions of section 5 (1) of this Bill;

(d) upon compulsory retirement for the purpose of facilitating improvements in the Agency, so that greater efficiency or economy may be effected;

(e) at any time on medical evidence to the satisfaction of the Medical Board that he is incapable by reason of any infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent;

(f) on voluntary withdrawal after having put in not less than five years but less than ten years continuous service as a personnel: provided that —

(i) in respect of paragraphs (c) to (e) above, if the personnel has served for not less than five years but less than ten years before his retirement, he shall be entitled only to a gratuity as specified in the appropriate column of the Table in the Agency Regulations;

(ii) if the personnel has served for a minimum of three years but less than five years before he is required to retire, he shall be entitled to an ex-gratia gratuity calculated on pro-rata basis at the rate of ten percent for every completed year of service.

(2) Where a personnel retires pursuant to subsection (1) (i) above

(a) if he has completed five years but not up to ten years in service, he shall be entitled only to a gratuity;

(b) if he has served for not less than ten years, he shall be entitled to a pension;

(c) if he is required to retire after ten years qualifying service pursuant to the provisions of paragraphs (c) - (e) of subsection (1) above, he shall be entitled to pensions immediately on retirement even though he has not attained the age of forty five years.

Compulsory retirement and retirement on compassionate grounds. 5. (1) It shall be lawful for the Agency to require a personnel to retire from the Agency at any time after he has attained the age of forty-five years subject to three months' notice in writing of such requirement-being given to the personnel. (2) A personnel may, on compassionate grounds, be allowed to resign, withdraw or retire from service, as the case may be, in accordance with the Agency Regulations.	Retained	
Minimum and maximum pension. 6. (1) A pension granted to a personnel or other rank under this Bill shall not be less than forty percent of his total emolument. (2) For the purpose of this section, an additional pension granted in respect of injury shall not be taken into account; but where the personnel is granted such an additional pension under this Bill, the amount so granted together with the remainder of his pension under this Bill shall not exceed one hundred percent of his highest pensionable emolument at any time in the course of his service.		
Pension and gratuity to be paid to dependent, etc. where a pensioner dies in service. 7. (1) Where a personnel dies in the course of official duty, there shall be paid to his next of kin a gratuity to which the personnel would have been entitled at the date of his death. (2) Where a personnel dies before completing the minimum period of qualifying service, his next of kin shall be paid a death gratuity of one year's salary only. (3) Any pension payable under subsection (I) above shall be paid to any person entitled thereto for a period expiring at the end of five years after the death of the personnel, however, a lump sum representing five years pensions may be paid immediately to the person entitled to it.	Retained	
Pension to run for five years after death within five years of retirement. 8. Where a personnel dies within five years after retirement, his next of kin shall continue to be paid, for a period which shall expire at the end of five years from the date of his retirement, the same pension which the deceased personnel was receiving prior of his death. But if the next of kin so elects, the balance of his pension at his death may be paid immediately to the said next of kin.	Retained	

Notice of intention to retire or withdraw from service. 9. (1) A personnel who wishes to retire from the Agency after serving for ten years or more shall give three (3) months' notice or pay the Agency the equivalent of three (3) months' salary in lieu of notice. (2) A personnel who wishes to withdraw from the Agency after serving for not less than five years but not up to ten years shall give the Chief of Defence Intelligence one month's notice of his intention to withdraw from the Agency or he shall pay one month's salary in lieu of such notice.	Retained	
PART II — MISCELLANEOUS Pension and gratuity not to be assignable. 10. A pension or gratuity granted under this Bill shall not be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever except for the purpose of satisfying — (a) a debt due to the Federal Government; or (b) an order of a Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the personnel to whom the pension or gratuity has been granted. <i>Group Life Assurance Policy.</i> (2) The Board shall secure and maintain a group life assurance policy for personnel of the Agency with reputable Insurance Companies; (3) The Board shall ensure budgetary allocation for this policy.	Retained	
Payment of public claims out of pension and gratuity. 11. Where the Board is satisfied that — (a) a sum is due to the Federal Government from a person to whom a pension or gratuity is due under this Bill; (b) an overpayment on account of any such pension or gratuity has been made to any such person by the Federal Government, the Board may authorize the deduction from the pension or gratuity, in respect of that sum or overpayment of such amounts at such times as it may think fit; and the amounts so deducted shall be applied in or towards paying or repaying that sum or overpayment.		

Delegation of power. 12. (1) The Board may, by order published in the Gazette, delegate to another person or authority all or any of its powers under this Bill. (2) But the delegation of a power under the above subsection shall not prevent the Board from continuing to exercise the power if it thinks fit.	Retained	
Regulations. 13. (1) The Management of the Agency may make provisions for the structure, personnel, etc. of the Board which in turn may make provisions for carrying into effect the provisions of this Bill. (2) Whenever the Board is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attached to any person, that regulation may be given retrospective effect for that purpose.	Retained	
Interpretation. 14. In this Bill, unless the context otherwise requires — "basic pay" means the daily rate of pay due and payable to a personnel, but does not include allowances; "Chief of Defence Intelligence" means the Chief of Defence Intelligence of the Defence Intelligence Agency (DIA); "Federal Government" means the Federal Government of Nigeria; "Gazette" means the official gazette of the Agency; "last pay" in relation to a personnel whose appointment has been terminated, means the amount payable to him for a month (or if he was on a daily rate of pay, for thirty one days) multiplied by twelve in respect of the last substantive rank held by him immediately before the end of his employment; "lodging" means the provision of furnished accommodation, fuel and light and personal service; "medical board" means any medical board appointed by the Management of the Agency or by any other person pursuant to a delegation under section 12 of this Bill, to assess the degree of disablement of personnel; "next of kin" means any person documented by the staff who can legitimately claim entitlements of the staff in the event of death on behalf of the beneficiaries;	Retained	

"civilian officer" means a civilian personnel on the rank of Intelligence Officer (IO II) and above;

"Pension Account" means the pension account domiciled in the CBN and dedicated to the payment of pension and gratuities managed by personnel appointed by the Board;

"Pension Board" comprises a Chairman and members appointed by the Chief of Defence Intelligence (CDI) which members shall be beneficiaries under the Scheme;

"pensionable emoluments" in respect of a personnel, means the salary attached to the last substantive rank held by the personnel but does not include any allowance whatsoever;

"pensionable service" means service in the Defence Intelligence Agency (including service or employment under the Government of the Federation or of a State or any other employment approved by the Agency and which has been transferred to the Agency) which may be taken into account in determining whether an officer is eligible by length of service, for a pension or gratuity;

"personnel" means officers and staff in the employment of the Agency;

"qualifying service" means service in the Defence Intelligence Agency (including service or employment in the public service or any other employment which may be approved by the Defence Intelligence Agency) which may be taken into account in determining whether an officer is eligible by length of service for a pension or gratuity;

"retirement" means cessation of service after an officer has served for a period of not less than five years or thereafter for a period of not less than ten years, being periods respectively appointed as qualifying an officer for gratuity and 24 pension;

"staff" means a personnel below the rank of Intelligence Officer II (IO II) in the Agency;

"termination" in relation to a personnel's employment, means termination of full pay service by retirement, discharge or otherwise however;

"the Board" means the body charged by the Management of the Agency with the responsibility for the administration of the pensions and gratuities of the personnel of the Agency;

"the Agency" means the Defence Intelligence Agency (DIA).

Citation. 15. This Bill may be cited as the Defence Intelligence Agency Civilian Pensions Board (Establishment) Bill, 2019.	Retained	
SCHEDULE <i>Section 2 (1)</i> COMPUTATION OF PENSION AND GRATUITIES (PERSONNEL TO WHOM AND WHAT RATES PENSION MAY BE GRANTED) 1. Subject to the provisions of this Bill, a personnel shall be granted, on retirement, a pension — (a) if he has been in the service for ten years or more; (b) if he has completed ten years' qualifying service; or (c) if he has completed five years qualifying service if this retirement is on the ground that he is incapable by reason of any infirmity of mind or body of discharging his duties and such infirmity is likely to be permanent. <i>General Rules as to qualifying Service</i> 2. (1) Subject to the provisions of this Bill, qualifying service shall be inclusive of the period between the date on which a personnel was enlisted into the Agency and the date of his leaving such Agency without deduction of any period during which he had been absent on leave. (2) No period which is not qualifying service by virtue of the foregoing paragraphs shall be taken into account as pensionable service. <i>Continuity of Service</i> 3. (1) Except as otherwise provided In this Schedule, only continuous service shall be taken into account as qualifying service or as pensionable service. (2) A personnel who retires from the Agency and who is re-engaged in the Agency within a period of five years from the date of his retirement, may be granted the pension or gratuity for which he would have been eligible if any break in his service immediately prior to such re-engagement had not occurred, such pension or gratuity to be in lieu of any pension or gratuity granted to him from the Consolidated Revenue Fund of the Federation or of a State or any other approved employment which is required to be refunded as a condition of the application to the personnel.		

However, in calculating a pension or gratuity granted in accordance with the provisions of this paragraph, account shall not be taken for any purpose of the period during which the officer was not in the Agency. 4. Formula for calculation of pension and gratuity based on the percentage of last pay shall be in accordance with the Table in the Agency Regulations.		
EXPLANATORY MEMORANDUM This Bill seeks to establish the Defence Intelligence Agency Civilian Pensions Board to be charged with the responsibility of administering the pension's scheme for civilian personnel of the Agency. This Bill is in consequence of the exit of the Agency from the application of the Contributory Pensions Scheme under the Pensions Reform Act, 2014.	Retained	