

NORTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

EXPLANATORY MEMORANDUM

This Act establishes the North-West Development Commission charged with the responsibility, among other things, to receive and manage funds from allocations of the Federation Account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises destroyed by multi-dimensional crisis as well as tackling menace of poverty, literacy level, ecological problems and any other related environmental or developmental challenges in the North-West states.

NORTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

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NORTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

A Bill

For

An Act to establish the North-West Development Commission charged with the responsibility, among other things, to receive and manage funds from allocations of the Federation Account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises destroyed by multi-dimensional crisis, as well as tackling the menace of poverty, literacy level, ecological problems and any other related environmental or development challenges in the North-West states; and for related matters.

[] Commencement

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

PART I — ESTABLISHMENT OF NORTH-WEST DEVELOPMENT COMMISSION

1. (1) There is established the North-West Development Commission (in this Act 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.
(3) The headquarters of the Commission shall be located in Kano State with operational offices established in the member states of the Commission.
2. (1) There is established for the Commission, a Governing Board (in this Act referred to as "the Board").
(2) The Board shall consist of —
 - (a) Chairman;
 - (b) one person each, who shall be an indigene, to represent the states listed below —
 - (i) Jigawa,
 - (ii) Kaduna,
 - (iii) Kano,
 - (iv) Katsina,
 - (v) Kebbi,
 - (vi) Sokoto, and

Establishment of
the North-West
Development
Commission

Establishment of
the Governing
Board

(vii) Zamfara;

(c) three persons to represent the following security organisations —

(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 Corps who shall not be below the rank of Deputy Commandant;

(d) one representative of solid minerals extracting and mining producing companies in the North-West states, nominated by those companies;

(e) one person, not below the rank of a Director to represent the —

(i) Federal Ministry of Finance,

(ii) Federal Ministry of Education,

(iii) Federal Ministry of Environment; and

(f) the Managing Director of the Commission.

(3) The chairman and other members of the Board shall be —

(a) appointed by the President, subject to confirmation by the Senate, in consultation with the House of Representatives; and

(b) a person of proven integrity and ability.

(4) The members of the Board referred to in subsection (2) (a) - (d), shall be part-time members.

(5) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained in it. Schedule

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

4. The office of the Chairman established in section 2 (2) shall rotate amongst the member states of the Commission in an alphabetical order. Rotation of office of Chairman

5. (1) A member of the Board mentioned under section 2 (2) (a) and (b) may resign his appointment by notice in writing, addressed to the President. Resignation, cessation or removal from membership of the Board

(2) A member of the Board may cease to be member if the member —

(a) becomes of unsound mind;

(b) becomes bankrupt;

(c) is convicted of a felony or of any offence involving dishonesty; or

(d) is guilty of serious misconduct in relation to the office.

(3) A member of the Board other than an *ex-officio* member may resign his appointment by notice, in writing to the President which resignation shall take effect upon receipt and approval by the President.

(4) Where vacancy exists in the membership of the Board, the vacancy 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.

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

Remunerations and
allowances

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

7. (1) The Commission shall —

Functions and
powers of the
Commission

(a) formulate policies and guidelines for the development of the North-West states;

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

(c) cause the North-West 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-West 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-West states by the Federal Government and the member states of the Commission;

(f) identify factors inhibiting the development of the North-West 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-West states;

- (g) assess and report on any project being funded or carried out in the North-West states by solid mineral extracting and mining companies, agricultural processing and any other company including non-governmental organisations, and ensure that funds released for the projects are properly utilised;
 - (h) tackle ecological and environmental problems that arise from the extraction and mining of solid minerals in the North-West states and advise the Federal Government and the member states on the prevention and control of water and environmental pollution;
 - (i) liaise with the various solid mineral extraction and mining 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-West states and its peoples.
- (2) In the performance of its functions and exercise of its powers under this section, 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 Act, of the President.

8. The Board shall have power to —

Powers of the
Board

- (a) manage and supervise the affairs of the Commission;
- (b) make rules and regulations for performance of the functions of the Commission;
- (c) enter and inspect premises, projects and such places as may be necessary for the purposes of performance of its functions under this Act;
- (d) pay the staff of the Commission such remuneration and allowances as appropriate;
- (e) enter into such contracts as may be necessary or expedient for the discharge of its duties 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 performance of any of its functions under this Act;

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

(h) do 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 headquarters of the Commission the following departments — Structure of the Commission

(a) Administration and Human Resources;

(b) Planning, Research, Statistics and Management Information System;

(c) Community and Rural Development;

(d) Environmental Protection and Control, Utilities Infrastructural Development;

(e) Finance and Supply; and

(f) Legal Services.

(2) There shall be the following units under the relevant departments —

(a) Solid Minerals and Agriculture;

(b) Education, Health and Social Services;

(c) Commercial and Industrial Development; and

(d) Projects Monitoring and Supervision.

(3) The Board may increase the number of departments and units as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission.

10. (1) There shall be for the Commission a Management Committee which shall consist of — Management Committee

(a) a Managing Director; and

(b) the Directors responsible for the Departments established under section 9 of this Act and such number of other members as may be determined by the Board.

(2) The Management Committee shall be responsible to the Board for the general administration of the Commission.

11. (1) There is established for the Commission a North-West Development Advisory Committee (in this Act referred to as "the Advisory Committee") which shall consist of —

Advisory
Committee of the
Commission

(a) the Governors of the member states of the Commission; and

(b) two other persons as may be determined, from time to time, by the President.

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

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

PART IV — STAFF OF THE COMMISSION

12. (1) There shall be for the Commission, a Managing Director which position shall rotate amongst member states in alphabetical order, and the Managing Director shall —

The Managing
Director

(a) be an indigene of any of the North-West states;

(b) have such qualification and experience as are appropriate for a person required to perform the functions of the offices under this Act;

(c) be the chief executive and accounting officer of the Commission;

(d) be appointed by the President and confirmed by the Senate in consultation with the House of Representatives; and

(e) 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 provisions of section 3 of this Act.

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

(a) the administration of the Commission;

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

(c) the —

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

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

13. (1) Service in the Commission shall be approved service for the purposes of the Pension Reform Act. Pension

Act No. 4, 2014

(2) Nothing in subsection (1) 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.

(3) For the purposes of the application of the provisions of the Pension Reform 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 25 of this Act, is 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. Fund of the Commission

(2) There shall be paid and credited to the Fund established under subsection (1) —

(a) from the Federal Government, the equivalent of 15% of the total monthly statutory allocations due to member states of the Commission from the Federation Account being the contribution of the Federal Government to the Commission;

(b) 3% of the total annual budget of any solid mineral extracting mining company operating in the North-West states, including agricultural processing companies;

(c) 50% of money due to member states of the Commission from the Ecological Fund;

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

(e) all money raised for the purposes of the Commission by way of gifts, loans, grants-in-aid, testamentary dispositions or otherwise; and

(f) proceeds from all other assets that may 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 subsection, the rules shall in particular contain provisions —

(a) specifying the manner in which the assets or the funds 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. (1) The Commission shall apply the proceeds of the Fund established under section 14 of this Act to — Application of the Fund

(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 section 6 of this Act or any committee of the Board and the employees of the Commission;

(c) the payment for all contracts, including mobilisation, 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 Act.

(2) The Commission may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(3) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Act.

(4) The Commission may, with the consent of the President, borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the performance of its functions under this Act.

16. (1) The Board shall, not later than 30 September in each year submit, to the National Assembly through the President, an estimate of the expenditure and income of the Commission during the next succeeding year for approval.

Annual estimates
and expenditure

(2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation to it, and shall cause the accounts to be audited, not later than six 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.

17. (1) The Commission shall, at the end of every quarter in each year, submit to the President a report on the activities and administration of the Commission.

Submission of
report

(2) The Board shall prepare and submit to the President, not later than 30 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 on it.

(3) The President shall, upon receipt of the report referred to in subsection (1), 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 PROVISIONS

18. (1) There is established for the Commission a Monitoring Committee which shall consist of such number of persons as the President may deem fit to appoint from the public or Civil Service of the Federation.

Monitoring
Committee

(2) The Monitoring Committee shall —

(a) monitor the management of the Fund 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.

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

Offices and
premises of the
Commission

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

Cap. L5, LFN,
2004

(b) construct offices and premises and equip and maintain.

- (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 Act.
20. Subject to the provisions of this Act, the President may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the performance of its functions and the Commission shall comply with the directives. Directives of the President
21. (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission. Public Officers Protection Act
Cap. P4, LFN, 2004
- (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 under or in execution of this Act 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 Act 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 of it.
22. A notice, summons or other document required or authorised to be served on the Commission under the provisions of this Act 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. Service of notice, summons and other documents
23. (1) In any action or suit against the Commission, no execution or attachment of process in the nature shall be issued against the Commission. Payment of judgment debts
- (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 court where notice of appeal of the judgment has been given, be paid from the general reserve fund of the Commission.
24. A member of the Board, the Managing Director, any 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. Indemnity of staff

25. The Commission may, with the approval of the President, make regulations generally for the purposes of giving full effect to this Act. Regulations

26. In this Act —

Interpretation

"Chairman" means the Chairman of the Board;

"Commission" means the North-West Development Commission established under this section 1 of this Act;

"Board" means the Governing Board established for the Commission under section 2 (1) of this Act;

"Management Committee" includes the Chairman, Managing Director, Executive Directors and Directors;

"member states" include Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara; and

"President" means the President of the Federal Republic of Nigeria.

27. This Act may be cited as the North-West Development Commission (Establishment) Act, 2024. Citation

SCHEDULE

Section 2(5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) Subject to the provisions of this Act and section 27 of the Interpretation Act, Cap. I23, Laws of the Federation of Nigeria, 2004, the Board may make standing orders regulating its proceedings or those of any of its committees.

(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 of other members of the Board, and 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 four 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 perform, 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.
4. (1) The affixing 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 authorised by the Board to act for that purpose, and the Managing Director.

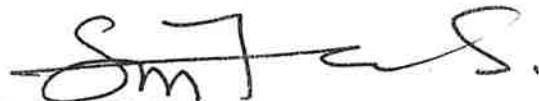
(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by —

(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.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. A2, LAWS OF THE FEDERATION OF NIGERIA, 2004, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.




SANI MAGAJI TAMBAWAL, fena
CLERK TO THE NATIONAL ASSEMBLY

10th DAY OF July, 2024

SCHEDULE TO THE NORTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) BILL, 2024

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
North-West Development Commission (Establishment) Bill, 2024	An Act to establish the North-West Development Commission charged with the responsibility, among other things, to receive and manage funds from allocations of the Federation Account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises destroyed by multi-dimensional crisis, as well as tackling the menace of poverty, literacy level, ecological problems and any other related environmental or development challenges in the North-West States; and for related matters.	This Bill establish the North-West Development Commission charged with the responsibility, among other things, to receive and manage funds from allocations of the Federation Account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises destroyed by multi-dimensional crisis, as well as tackling the menace of poverty, literacy level, ecological problems and any other related environmental or development challenges in the NorthWest States.	16th May, 2024	11th June, 2024

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


SANI MAGAJI TAMBAWAL, fcna
 Clerk to the National Assembly

10. Day of July...., 2024


BOLA AHMED TINUBU, GCFR
 President of the Federal Republic of Nigeria

23. Day of July...., 2024

I ASSENT.