

SOUTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

EXPLANATORY MEMORANDUM

This Act establishes the South-East Development Commission charged with the responsibility among other things to receive and manage funds from allocations 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 Civil War as well as tackle the ecological problems and other related environmental or developmental challenges in the South-East states.

SOUTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

Arrangement of Sections

Section:

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2. Establishment of the Governing Board
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SOUTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

A Bill

For

An Act to establish the South-East Development Commission charged with the responsibility among other things to receive and manage funds 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 civil war as well as tackle the ecological problems and other related environmental or developmental challenges in the South-East states; and for related matters.

[] Commencement

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

PART I — ESTABLISHMENT OF THE SOUTH-EAST DEVELOPMENT COMMISSION AND THE GOVERNING BOARD

1. (1) There is established the South-East Development Commission (in this Act referred to as “the Commission”). Establishment of South-East Development 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 the Governing Board (in this Act referred to as “the Board”) which shall consist of — Establishment of the Governing Board
 - (a) Chairman;
 - (b) one person each who shall be an indigene to represent the following member states —
 - (i) Abia,
 - (ii) Anambra,
 - (iii) Ebonyi,
 - (iv) Enugu, and
 - (v) Imo;
 - (c) one person each to represent each of the six geopolitical zones of the country;

- (d) one person to represent the Federal Ministry of Finance;
- (e) one person to represent the Federal Ministry of Environment;
- (f) one person to represent the Federal Ministry of Budget and Planning;
- (g) the Managing Director of the Commission; and
- (h) three executive directors of the Commission —
 - (i) Finance and Administration,
 - (ii) Project, and
 - (iii) Corporate Services.

(2) The Chairman, Managing Director, three executive directors and other members of the Board shall —

- (a) be appointed by the President, subject to the confirmation of the Senate; and
- (b) be persons of proven integrity and ability.

(3) The members of the Board referred to in subsection (1)(a) and (b) shall be part-time members.

(4) 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 therein.

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| <p>3. The Commission shall have its head office in Enugu, Enugu State and shall establish an office in each member state of the Commission.</p> | <p>Schedule
Head office</p> |
| <p>4. Subject to the provisions of section 4 of this Act, a member of the Board, other than an <i>ex-officio</i> 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.</p> | <p>Tenure of office</p> |
| <p>5. The office of the Chairman shall rotate amongst the member states of the Commission in the following alphabetical order —</p> <ul style="list-style-type: none"> (a) Abia; (b) Anambra; (c) Ebonyi; | <p>Rotation of office of
Chairman</p> |

(d) Enugu; and

(e) Imo.

6. (1) A member of the Board other than an *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.

Resignation,
cessation or removal
from membership of
the Board

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

(a) becomes of unsound mind, or incapable of discharging 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, 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 the appointment of a person representing the area where the vacancy exists, to complete the remainder of the term of office of the predecessor, by the President, subject to the confirmation of the Senate.

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

Allowances of
members

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

8. (1) The Commission shall —

Functions and powers
of the Commission

(a) formulate policies and guidelines for the development of the South-East states;

(b) conceive, plan and implement, in accordance with the set rules and regulations, projects and programmes for the sustainable development of the South-East 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 South-East 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 South-East 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 South-East states by the Federal Government and the member states of the Commission;
 - (f) identify factors inhibiting the development of the South-East states and assist the member states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the South-East states;
 - (g) assess and report on any project being funded or carried out in the South-East 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 utilised;
 - (h) tackle ecological and environmental problems that arise from the extraction and mining of solid mineral, exploration of oil mineral in the South-East 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 other works and perform such other functions which in the opinion of the Commission are required for the sustainable development of the South-East states and its peoples.
- (2) In performing its functions and exercising 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 of the President in the performance of its functions under this Act.

9. The Board shall have power to —

Powers of the Board

- (a) manage and superintend the affairs of the Commission;
- (b) make rules and regulations for performing the functions of the Commission;
- (c) enter and inspect premises, projects and such places as may be necessary for the purposes of performing its functions under this Act;
- (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 performance 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 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 such other things as are necessary and expedient for the efficient performance of the functions of the Commission.

PART III — STRUCTURE OF THE COMMISSION

10. (1) There shall be established in the head office of the Commission, the following Directorates —

Structure of the Commission

- (a) Administration and Human Resources;
- (b) Community and Rural Development;
- (c) Utilities, Infrastructural Development and Waterways;
- (d) Environmental Protection and Control;
- (e) Finance and Supply;

- (f) Solid Minerals, Agriculture and Fisheries;
- (g) Planning, Research and Statistics and Management Information Systems;
- (h) Legal Services;
- (i) Education, Health and Social Services;
- (j) Commercial and Industrial Development; and
- (k) Projects Monitoring and Supervision.

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

11. There shall be for the Commission, a Management Committee which shall —

Management
Committee

(a) consist of —

- (i) a Chairman who shall be the Managing Director, and
- (ii) the Directors responsible for the Directorates established under section 10 of this Act and such number of other members as may be determined by the Board; and

(b) be responsible to the Board and the Managing Director for the general administration of the Commission.

12. (1) There is established for the Commission, a South-East Development Advisory Committee (in this Act referred to as “the Advisory Committee”) which shall consist of —

Establishment of the
South-East
Development
Advisory Committee

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

(b) two persons as may be determined by the President.

(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

13. (1) There shall be for the Commission, a Managing Director and three Executive Directors which positions shall rotate amongst member states in alphabetical order, and the Managing Director shall —
- Managing Director and other staff of the Commission
- (a) be an indigene of any of the South-East states;
 - (b) have such qualification and experience as appropriate for a person required to perform the functions of that office under this Act;
 - (c) be appointed by the President and confirmed by the Senate; and
 - (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 provisions of subsection (3).
- (2) The Managing Director shall be the chief executive and accounting officer of the Commission and, 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;
 - (c) the administration of the secretariat of the Board, and
 - (d) 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 performance of any of its functions under this Act; and
 - (b) pay to persons so employed such remuneration, including allowances, as the Board may, after consultation with the Federal Civil Service Commission, determine.
1. (1) Service in the Commission shall be approved service for the purposes of the Pension Reform Act.
- Pension
Act, No. 4 2004

- (2) The officers and other persons employed in the Commission shall be entitled to pensions, gratuities and other retirement benefits as enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) 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 Pension Reform Act, any power exercisable under it by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23, is vested in and shall be exercisable by the Commission, and not by any other person or authority.

PART V — FINANCIAL PROVISIONS

15. (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;
 - (b) 3% of the total annual budget of any oil producing company operating on shore or off shore, in the South-East states, including gas processing and agricultural processing companies;
 - (c) 3% of the total annual budget of any solid mineral extracting mining company operating in the South-East states;
 - (d) 50% of money due to member states of the Commission from the Ecological Fund;
 - (e) 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;
 - (f) all money raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary dispositions or otherwise; and
 - (g) 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 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.

16. The Commission shall apply the proceeds of the Fund established under section 15 of this Act to — Expenditure of the Commission

(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 7 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.

17. (1) 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. Gifts to the Commission

(2) 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.

18. 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. Power to borrow

19. (1) The Board shall, not later than 30 September in each year, submit to the President, an estimate of the expenditure and income of the Commission during the next succeeding year. 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 thereto, 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.

20. 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. Quarterly report

21. (1) 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, 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. Annual report

(2) 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

22. (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 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.

23. (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

Cap. L5, LFN, 2004

(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 Act.

24. 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 by the Commission of its functions and the Commission shall comply with the directives. Directives by the President
25. (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 Officer Protection Act
Cap. P41, 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 the 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 thereof.
26. A notice, summons or other documents required or authorised to be served upon 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 head office of the Commission. Service of notices, summons and other documents
27. (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. Restriction on execution of judgement 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 the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.
28. 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. Indemnity of officers
29. The Commission may, with the approval of the President, make regulations, generally for the purposes of giving full effect to this Act. Regulations

30. In this Act —

Interpretation

"Chairman" means the Chairman of the Board;

"Commission" means the South-East Development Commission established under section 1 of this Act;

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

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

"member states" include Abia, Anambra, Ebonyi, Enugu, and Imo; and

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

31. This Act may be cited as the South-East Development Commission (Establishment) Act, 2024. Citation

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1. (1) Subject to 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 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.

Miscellaneous

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 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 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, fcna
CLERK TO THE NATIONAL ASSEMBLY

17th
... DAY OF July 20


SCHEDULE TO THE SOUTH-EAST 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
South-East Development Commission (Establishment) Bill, 2024	An Act to establish the South-East Development Commission charged with the responsibility among other things to receive and manage funds 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 civil war as well as tackle the ecological problems and other related environmental challenges in the South-East states; and for related matters.	This Bill establishes South-East Development Commission charged with the responsibility among other things to receive and manage funds 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 civil war as well as tackle the ecological problems and other related environmental or developmental challenges in the South-East states.	11th June, 2024	5th 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, fca
 Clerk to the National Assembly

17th Day of July, 2024


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

23rd Day of July, 2024

I ASSENT.