

SOUTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2025

EXPLANATORY MEMORANDUM

This Act establishes the South-West Development Commission to, among other things, receive and manage funds from allocation 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, ecological problems and any other related environmental or developmental challenges in the South-West States.

SOUTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2025

Arrangement of Sections

Section:

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2. Establishment of the Governing Board of the Commission
3. Tenure of office
4. Rotation of office of Chairman
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PART II — FUNCTIONS AND POWERS OF THE COMMISSION

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SOUTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2025

A Bill

For

An Act to establish the South-West Development Commission charged with the responsibility of among other things, receiving and managing funds from allocation of the Federation Account, including donations and gifts for the reconstruction and rehabilitation of infrastructural damages suffered in the region and to tackle the ecological, environmental and other developmental challenges in the region; and for related matters.

[] Commencement

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

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

1. (1) There is established the South-West Development Commission (in this Act referred to as "the Commission").

Establishment of
South-West
Development
Commission

(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The headquarters of the Commission shall be located in Ibadan with operational offices in each member State of the Commission.
2. (1) There is established for the Commission a Governing Board (in this Act referred to as "the Board").

Establishment of the
Governing Board of
the Commission

(2) The Board shall consist of —
 - (a) a Chairman;
 - (b) a Managing Director and chief executive officer;
 - (c) four Executive Directors, one from each South-West State not being represented by the Chairman of the Board and Managing Director;
 - (d) one person to represent the Federal Ministry responsible for finance;
and
 - (e) one person each to represent on a rotational basis, the other five geopolitical zones of the country —
 - (i) North-Central,

- (ii) North-West,
- (iii) North-East,
- (iv) South-East, and
- (v) South-South:

Provided that not less than three geopolitical zones shall be represented during any given tenure of the Board.

(3) A member State within the South-West Zone shall not have more than one member on the Board at the same time.

(4) The four Executive Directors mentioned under section 2 (2) (c) are —

- (a) Executive Director of Administration and Finance;
- (b) Executive Director Operations and Innovation;
- (c) Executive Director Compliance and Monitoring; and
- (d) Executive Director, Environmental Protection and Control.

(5) The Chairman and other members of the Board shall —

- (a) be persons of proven integrity and ability;
- (b) possess requisite academic qualification and relevant experience as are required to perform the functions of the Board under this Act; and
- (c) be appointed by the President subject to confirmation by the Senate, provided that the Executive Directors referred to in section 2 (2) (c) shall be appointed in the same manner on the recommendation of the Advisory Committee.

(6) 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 among the member States of the Commission in the following alphabetical order —

Rotation of office of
Chairman

- (a) Ekiti;
- (b) Lagos;
- (c) Ogun;
- (d) Ondo;
- (e) Osun; and
- (f) Oyo.

5. (1) A member of the Board other than *ex-officio* member, may resign his appointment by notice in writing addressed to the President and the 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 membership if the member —

- (a) becomes of unsound mind;
- (b) becomes bankrupt;
- (c) is convicted of a felony or any offence involving dishonesty; or
- (d) is guilty of serious misconduct in relation to the office.

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

- (4) Where a 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 remuneration, 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 South-West States;

- (b) conceive, plan and implement, in accordance with the set rules and regulations, projects and programmes for the sustainable development of the South-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 South-West States to be surveyed in order to ascertain measures which are necessary to promote their physical and socio-economic development;
- (d) prepare master plans and schemes designed to promote the physical development of the South-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 South-West States by the Federal Government and the member States of the Commission;
- (f) identify factors inhibiting the development of the South-West States and assist the member States in the formulation and implementation of policies to ensure sound and efficient management of their resources;
- (g) assess and report on any project being funded or carried out in the South-West 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-West 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, oil and gas prospecting and producing companies on all matters of pollution prevention and control; and
- (j) execute such other works and perform such other functions which in the opinion of the Commission are required for the sustainable development of the South-West States and their peoples.

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

8. The Board shall have power to —

Powers of the Board

- (a) direct 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 purpose of performing its functions under this Act;
- (d) approve the payment to 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) approve employment 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
- (g) do such other things as are necessary and expedient for the efficient performances of the functions of the Commission.

PART III — STRUCTURE OF THE COMMISSION

9. (1) There shall be established in the head office of the Commission, the following 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 which shall be under 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 staff 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 South-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 by the President.

(2) The Advisory Committee shall be charged with the responsibility of advising the Board, 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 affairs.

PART IV — STAFF OF THE COMMISSION

12. There shall be for the Commission, a Managing Director, who shall be an indigene of a South-West State other than the State of origin of the Chairman of the Board and shall —
- Staff of the Commission
- (a) have such qualifications and experience as are appropriate for a person required to perform the functions of that office under this Act;
 - (b) be the chief executive and accounting officer of the Commission;
 - (c) be appointed by the President on the recommendation of the Advisory Committee and confirmation 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 provision of section 3 of this Act.
13. (1) Service in the Commission shall be approved service for the purposes of the Pension Reform Act.
- Service in the Commission to be pensionable
- (2) The officers and employees of the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.
- Act No. 4, 2014
- (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 by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 25, 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, the proceeds of which shall be used to defray all expenditures incurred by the Commission.
- Fund of the Commission
- (2) There shall be paid from the Consolidated Revenue Fund of the Federation and credited to the Fund established in 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) such money as may be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;
- (c) all money raised for the purpose of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and
- (d) 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 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 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 sections 6, 12 and 13 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. 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 quarterly report 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, 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, on 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 on it 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 any public or civil service of the Federation or State. 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.

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
- Cap. L5, LFN, 2004
- (a) purchase or take on lease any interest in land, or other property; and
- (b) construct offices and premises, equip and maintain them.
- (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 by the Commission of its functions and the Commission shall comply with the directives.
- President's directives
21. (1) A suit against the Commission, member of the Board, officer or employee of the Commission in respect of any act, neglect or default done or committed in his official capacity shall not lie against the Commission, member of the Board, officer or employee unless it is commenced within three months from the occurrence of the act, neglect or default or in the case of a continuance of damage or injury within three months after the cessation of it.
- Limitation of suits against the Commission
- (2) A suit shall not be commenced against the Commission, member of the Board, officer or employee of the Commission in respect of any act, neglect or default done or committed in his official capacity until at least one month notice after the service on the Commission, member of the Board, officer or employee as the case may be of a written notice by or on behalf of the intending plaintiff or claimant of his intention to commence the suit stating the —
- (a) cause of action;
- (b) particulars of the claims; and
- (c) name and place of abode of the intending claimant.
22. A notice, summons or other documents 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 or sending it by registered post addressed to the Managing Director or chief executive officer of the Commission at its headquarters.
- Service of notices, summons and other documents

23. (1) In any action or suit against the Commission, no execution or attachment of process shall be issued against the Commission. Payment 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.
24. 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
25. The Commission may, with the approval of the President, make regulations, generally for the purposes of giving effect to this Act. Regulations
26. In this Act — Interpretation
- "Chairman" means the Chairman of the Board;
- "Commission" means the South-West 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, Executive Directors;
- "member States" include Ekiti, Lagos, Ogun, Ondo, Osun, Oyo; and
- "President" means the President of the Federal Republic of Nigeria.
27. This Act may be cited as the South-West Development Commission (Establishment) Act, 2025. Citation

SCHEDULE

Section 2 (6)

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 proceeding or those of any of its committee.
- (2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, Managing Director or one Executive Director and one-third 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.

Miscellaneous

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



KAMORU OGUNLANA Esq.
CLERK TO THE NATIONAL ASSEMBLY

14th DAY OF MARCH, 2025

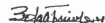
SCHEDULE TO THE SOUTH-WEST DEVELOPMENT COMMISSION (ESTABLISHMENT) BILL, 2025

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-West Development Commission (Establishment) Bill, 2025	An Act to establish the South-West Development Commission charged with the responsibility of among other things, receiving and managing funds from allocation of the Federation Account, including donations and gifts for the reconstruction and rehabilitation of infrastructural damages suffered in the region and to tackle the ecological, environmental and other developmental challenges in the region; and for related matters.	This Bill establishes the South-West Development Commission charged with the responsibility of among other things, receiving and managing funds from allocation of the Federation Account, including donations and gifts for the reconstruction and rehabilitation of infrastructural damages suffered in the region and to tackle the ecological, environmental and other developmental challenges in the region.	12th February, 2025	12th March, 2025

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.


KAMORU OGUNLANA Esq
 Clerk to the National Assembly

14TH Day of MARCH... 20 25


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

24TH Day of March... 20 25

I ASSENT.