

NORTH CENTRAL DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

EXPLANATORY MEMORANDUM

This Act establishes the North Central 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 communal crises as well as tackle ecological problems and any other related environmental or developmental challenges in the North Central States.

NORTH CENTRAL DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

Arrangement of Sections

Section:

PART I — ESTABLISHMENT OF THE NORTH CENTRAL DEVELOPMENT COMMISSION AND THE GOVERNING BOARD

1. Establishment of North Central Development Commission
2. Establishment of the Governing Board
3. Tenure of office
4. Rotation of office of Chairman
5. Resignation, cessation or removal from membership of the Board
6. Allowances of members

PART II — FUNCTIONS AND POWERS OF THE COMMISSION

7. Functions and powers of the Commission
8. Powers of the Board

PART III — STRUCTURE OF THE COMMISSION

9. Structure of the Commission
10. Management Committee
11. Establishment of the North Central Development Advisory Committee

PART IV — STAFF OF THE COMMISSION

12. Staff of the Commission
13. Pension

PART V — FINANCIAL PROVISIONS

14. Fund of the Commission
15. Expenditure of the Commission
16. Gift to the Commission
17. Power to borrow
18. Annual estimates and expenditure
19. Quarterly report
20. Annual report

PART VI — MISCELLANEOUS PROVISIONS

21. Monitoring Committee

22. Offices and premises of the Commission

23. Directives by the President

24. Public Officer Protection Act

25. Service of notices, summons and other documents

26. Restriction on execution of judgment debts

27. Indemnity of officers

28. Regulations

29. Interpretation

30. Citation

Schedule

NORTH CENTRAL DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2024

A Bill

For

An Act to establish the North Central 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 communal crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the North Central States; and for related matters.

[] Commencement

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

PART I — ESTABLISHMENT OF THE NORTH CENTRAL DEVELOPMENT COMMISSION AND THE GOVERNING BOARD

1. (1) There is established the North Central 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 in Lafia, Nasarawa State.
2. (1) There is established for the Commission, a Governing Board (in this Act referred to as "the Board") which shall consist of —
(a) the Chairman;
(b) one person who shall be an indigene to represent the Member States
 - (i) Benue,
 - (ii) FCT,
 - (iii) Kogi,
 - (iv) Kwara,
 - (v) Nasarawa,

Establishment of
North Central
Development
Commission

Establishment of
the Governing
Board

- (vi) Niger, and
 - (vii) Plateau;
 - (c) one person each 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 Nigerian 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 Central States nominated by those companies;
 - (e) one person each to represent the Federal Ministries responsible for —
 - (i) finance, and
 - (ii) environment;
 - (g) the Managing Director of the Commission; and
 - (h) two executive Directors of the Commission.
- (2) The Chairman and other members of the Board shall be —
- (a) appointed by the President, subject to the confirmation of the Senate, in consultation with the House of Representatives; and
 - (b) 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 other matters contained in it.
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.
4. The office of the Chairman shall rotate amongst the Member States of the Commission in alphabetical order —
- (a) Benue;
 - (b) FCT;

Schedule

Tenure of office

Rotation of office of Chairman

- (c) Kogi;
- (d) Kwara;
- (e) Nasarawa;
- (f) Niger; and
- (g) Plateau.

5. (1) A member of the Board, other than *ex-officio* member, may resign his appointment by a written notice addressed to the President and the resignation shall take effect only on the approval of the President.

Resignation, cessation or removal from membership of the Board

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

- (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 under subsection (1).

(3) Where a vacancy occurs in the membership of the Board, it 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 and shall be appointed by the President subject to the confirmation of the Senate in consultation with the House of Representatives.

6. 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

7. (1) The Commission shall —

- (a) formulate policies and guidelines for the development of the North Central States;
- (b) in accordance with the set rules and regulations, conceive, plan and implement projects and programmes for the sustainable development

Functions and powers of the Commission

of the North Central 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 Central 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 Central States and the estimates of the costs of implementing such master plans and schemes;
 - (e) implement all the measures approved by the Federal Government and the Member States of the Commission for the development of the North Central States;
 - (f) identify factors inhibiting the development of the North Central States and assist 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 North Central 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 minerals, exploration of oil minerals in the North Central 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 such other works and perform such other functions which in the opinion of the Commission are required for the sustainable development of the North Central States and its peoples.
- (2) In exercising its functions and 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.

8. 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 carrying out 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 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

9. (1) There shall be established in the head office of the Commission, the Directorates of — 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 System;
- (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.

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

Management
Committee

(a) consist of —

- (i) the Managing Director who shall be the Chairman,
- (ii) the Directors responsible for the Directorates established under section 9 of this Act, and
- (iii) 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.

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

Establishment of
the North Central
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 is 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 proceedings.

PART IV — STAFF OF THE COMMISSION

12. (1) There shall be for the Commission, a Managing Director, and two Executive Directors who shall be indigenes of a North Central States and shall rotate among the Member States.

Staff of the
Commission

(2) The Managing Director and Executive Directors shall —

- (a) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Act;
- (b) be appointed by the President and confirmed by the Senate, in consultation with the House of Representatives; and

(d) hold office on such terms and conditions as to emolument and conditions of service as may be specified in the letter of appointment and subject to the provisions of section 3 of this Act.

(3) The Managing Director shall be the chief executive and accounting officer of the Commission and, subject to the general direction of the Board, is responsible —

(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.

(4) 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.

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

Act No. 4, 2014

(2) The staff and other persons employed in the Commission shall be entitled to pension, gratuities and other retirement benefits as are 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 Pensions 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 28, 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) of this Act —
- (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 and off shore, in the North Central States, including gas processing companies;
 - (c) 3% of the total annual budget of any solid mineral extracting mining company operating in the North Central 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, 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 disposition 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.
15. The Commission shall apply the Fund established under section 14 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 6 of this Act or any committee of the Board and the employees of the Commission;
- (c) payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;
- (d) 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.

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

17. 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

18. (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 to the account 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.

19. 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. Quarterly report

20. (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 immediate 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; Annual report

- (2) 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 to be submitted to each House of the National Assembly.

PART VI — MISCELLANEOUS PROVISIONS

21. (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;
 - (b) have access to the books of account and other records of the Commission at all times; and
 - (c) submit periodical reports to the President.
22. 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; Cap. L5, LFN, 2004
 - (b) construct offices and premises, equip and maintain them; and
 - (c) 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.
23. 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
24. (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
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie or be instituted 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, in any court unless — Cap. P41, LFN, 2004

(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.

25. 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 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 notices, summons and other documents

26. (1) In any action or suit against the Commission, no execution or attachment of process shall be issued against the Commission.

Restriction on execution 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 the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.

27. A member of the Board, the Managing Director, or 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

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

Regulations

29. In this Act —

Interpretation

"Chairman" means the Chairman of the Board;

"Commission" means the North Central Development Commission established in 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" means Benue, FCT, Kogi, Kwara, Nasarawa, Niger, and Plateau; and

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

30. This Act may be cited as the North Central Development Commission Citation
(Establishment) Act, 2024.

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 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 carry out 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.

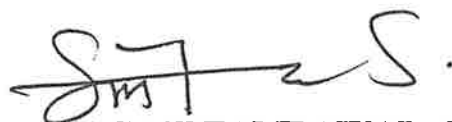
Miscellaneous

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

7th ... DAY OF Jan; 20 25

SCHEDULE TO THE NORTH CENTRAL 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 Central Development Commission (Establishment) Bill, 2024	An Act to establish the North Central 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 communal crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the North Central States; and for related matters	This Bill establishes the North Central 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 communal crises as well as tackle the ecological problems and any other related environmental or developmental challenges in the North Central States.	3rd December, 2024	3rd December, 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

7th
... Day of January, 2025


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

23rd
... Day of January, 2025

I ASSENT.