

Oil Mineral Producing Areas Development Commission Decree 1992	
<u>Decree No. 23</u>	
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Commencement	[9th July 1992].
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THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows

ESTABLISHMENT, OBJECTIVES, ETC. OF THE OIL MINERAL PRODUCING AREAS DEVELOPMENT COMMISSION

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Establishment of the Oil Mineral Producing Areas Development Commission	1.	(1) There is hereby established a Commission to be known as the Oil Mineral Producing Areas Development Commission (in this Decree referred to as "the Commission") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
		(2) The headquarters of the Commission shall be in Port Harcourt, Rivers State

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Objectives of the Commission	2.	(1) The objectives of the Commission shall be—
		(a) to receive and administer the monthly sums from the allocation of the Federation Account in accordance with confirmed ratio of oil production in each State—
		(i) for the rehabilitation and development of oil mineral producing areas,
		(ii) for tackling ecological problems that have arisen from the exploration of oil minerals;
		(b) to determine and identify, through the Commission and the respective oil mineral producing States, the actual oil mineral producing areas and embark on the development of projects properly agreed upon with the local communities of the oil mineral producing areas;
		(c) to consult with the relevant Federal and State Government authorities on the control and effective methods of tackling

		the problem of oil pollution and spillages;
		(d) to liaise with the various oil companies on matters of pollution control
		(e) to obtain from the Nigerian National Petroleum Corporation the proper formula for actual oil mineral production of each State, Local Government Area and community and to ensure the fair and equitable distribution of projects, services and employment of personnel in accordance with recognised percentage production;
		(f) to consult to the Federal Government through the President, the State, Local Governments and oil mineral producing communities regarding projects, services and all other requirements relating to the special fund;
		(g) to render annual returns to the President, Commander-in-chief of the Armed Forces and copy the State and Local Governments on all matters relating to the special fund;
		(h) to advise the Federal, State and Local Governments on all matters relating to the special fund;
		(i) to liaise with the oil producing companies regarding the proper number, location and other relevant data regarding oil mineral producing areas; and
		(j) to execute other works and perform such other functions which in the opinion of the Commission is geared towards the development of the oil mineral producing areas
		(2) The sums received by the Commission under subsection (1) (a) of this section shall -
		(a) be used for the rehabilitation and development of the oil mineral producing areas on the basis of the ratio of the oil produced in the particular State, Local Government Area or community and not on the basis of the dichotomy of on-shore or off-shore oil production and
		(b) constitute a special fund which shall be maintained in an account with the branch of the Central Bank of Nigeria at Moscow Road, Port Harcourt
Composition of the Commission	3.	(1) The Commission shall consist of—
		(a) a Chairman;

		(b) one member to represent each of the oil mineral producing States, that is -
		(i) Rivers State,
		(ii) Delta State,
		(iii) Akwa-Ibom State,
		(iv) Imo State,
		(v) Edo State,
		(vi) Ondo State,
		(vii) Abia State,
		(viii) Cross River State, and
		(c) such other members as may be appointed to represent the non-oil mineral producing areas:
		Provided that such other members shall not exceed two.
		(2) The Chairman and all other members of the Commission shall be appointed by the President, Commander-in-Chief of the Armed Forces
		(3) The Chairman and all members of the Commission shall be full-time members
		(4) The Chairman shall be the chief executive of the Commission
		(5) The Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions under this Decree other than the President, Commander-in-Chief of the Armed Forces
		(6) The supplementary provisions contained in the Schedule to this Decree shall have effect with respect to the proceedings of the Commission and the other matters contained therein
Tenure of Office	4.	(1) The Chairman and members of the Commission shall hold office for four years renewable for one further period of four years only.
		(2) The Chairman or a member of the Commission may resign his appointment at any time by notice in writing under

		his hand addressed to the President, Commander-in-Chief of the Armed Forces
		(3) If a member of the Commission dies or resigns or otherwise vacates his office before the expiry of the term for which he is appointed, a fit and proper person shall be appointed in his place
		(4) A member of the Commission may be removed from office by the President, Commander-in-Chief of the Armed Forces if, he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office
STAFF OF THE COMMISSION		
Administrative Secretary and other officers of the Commission	5.	(1) There shall be appointed by the President, Commander-in-Chief of the Armed Forces, an Administrative Secretary to the Commission who shall -
		(a) be of the rank of a Director-General in the public service of the Federation;
		(b) be a full-time officer; and
		(c) hold office for a period of four years from the date of his appointment and be eligible for re-appointment for one further term of four years only.
		(2) The Administrative Secretary shall assist the Chairman in carrying out the day-to day activities of the Commission and shall carry out such other duties as may be directed, from time to time, by the Chairman
		(3) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit
Conditions of Service	6.	The Commission shall develop and submit to the President, Commander-in-Chief of the Armed Forces appropriate conditions of service covering remunerations, fringe benefits, pension schemes and other benefits, for its employees.
Service in the Commission to be pensionable	7.	(1) Notwithstanding the provisions of the Pensions Act, service in the Commission shall be approved service for the purposes of that Act and, accordingly, officers and other persons employed in the Commission shall in respect of their

Cap.346 LFN		service in the Commission be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation, so however that nothing in this Decree 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
		(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.
FINANCIAL PROVISIONS		
Fund of the Commission	8.	(1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.
		(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section -
		(a) such moneys as may, from time to time, be lent or granted to the Commission by the Government of the Federation or of a State;
		(b) all moneys raised for the purposes of the Commission by way of gift, loan, grants-in-aid, testamentary disposition or otherwise;
		(c) all other assets that may, from time to time, accrue to the Commission
		(3) The fund shall be managed in accordance with rules made by the President, Commander-in-Chief of the Armed Forces 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.

Expenditure of the Commission	9.	The Commission may, from time to time, apply the proceeds of the fund established pursuant to section 8 of this Decree to—
		(a) the cost of administration of the Commission;
		(b) the payment of the salaries, fees and other remuneration, allowances, pensions and gratuities payable to members or employees of the Commission.
Awards of Contracts	10	The President, Commander-in-Chief of the Armed Forces may stipulate conditions for the award of contracts by the Commission.
Borrowing powers	11	The Commission may with the consent of the President, Commander-in-Chief of the Armed Forces, borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the exercise of the functions conferred on it under this Decree.
Annual estimates, accounts and audits	12	(1) The Commission shall no later than 31 st October in each year, submit to the President, Commander-in-Chief of the armed forces an estimate of its expenditure and income during the next succeeding financial year.
		(2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause its account to be audited not less than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
MISCELLANEOUS AND SUPPLEMENTARY		
Annual Report	13	The Commission shall prepare and submit to the President, Commander-in-Chief of the Armed Forces, not later than 30th June in each year, a report in such form as he may direct on the activities of the Commission during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's report thereon.

Regulations	14	The President, Commander-in-Chief of the Armed Forces, may make regulations generally for the purpose of giving effect to the provisions of this Decree.
Power of the president, Commander-in-Chief of the Armed Forces to give directives	15	Subject, to the provisions of this Decree, the President, Commander-in-Chief of the Armed Forces, may give to the Commission directives of a general nature or relating generally to matters of policy with regard to the exercise by the Commission of its functions and it shall be the duty of the Commission to comply with such directives.
Interpretation	16	In this Decree, unless the context otherwise requires—
		"Chairman" means the Chairman of the Commission;
		"Commission" mean" the Oil Mineral Producing Areas Development Commission established by section 1 of this Decree;
		"member" means a member of the Commission and includes its Chairman
		"oil mineral producing areas" mesas the oil mineral producing areas in the States specified in section 3 of this Decree;
		"Secretary" means the Administrative Secretary to the Commission.
Citation.	17	This Decree may be cited as the Oil Mineral Producing Areas Development Commission Decree 1992.
SCHEDULE		Section 3 (6)
SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION		
<i>Proceedings of the Commission</i>		
	1.	1. The Commission shall meet for the conduct of its business at such times as the Chairman may determine.
	2.	2. The Commission shall have power to regulate its

		proceedings and may make standing orders for that purpose and subject to any such standing orders and to paragraph 3 of this Schedule, may function notwithstanding—
		(a) any vacancy in its membership or the absence of any member;
		(b) any defect in the appointment of a member; or
		(c) that a person not entitled to do so took part in its proceedings.
	3.	The quorum at any meeting of the Commission shall be a simple majority of the members.
	4.	Where standing orders made under paragraph 2 of this Schedule provide for the Commission to co-opt persons who are not members of the Commission such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.
<i>Committees</i>		
	5.	The Commission may appoint one or more committees to advise it on the exercise and performance of its function under this Decree and shall have power to regulate the proceedings of its committee.
<i>Miscellaneous</i>		
	6.	(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be made under seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorised in that behalf by the Commission.
		(2) Any member of the Commission or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a committee thereof, shall forthwith disclose his interest to the Commission or the committee, as the case may, be and shall not vote on any question relating to such contract or arrangement.
	7.	(1) The common seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.

		(2) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or same other members authorised generally or specifically by the Commission to act for that purpose.
		(3) Any 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 deemed to be so executed.
MADE at Abuja this 9th day of July 1992.		
		GENERAL I. B.BABANGIDA,
		<i>President, Commander - in - Chief</i>
		<i>of the Armed Forces,</i>
		<i>Federal Republic of Nigeria</i>
EXPLANATORY NOTE		
<i>(This note does not form part of the above Decree but is intended to explain its purport)</i>		
The Decree establishes the Oil Mineral Producing Areas Development Commission to, among other things, use the sums received from the allocation of the Federation Account for tackling ecological problems which have arisen from the exploration of oil minerals in the oil mineral producing areas.		