

Federal Republic of Nigeria

Official Gazette

No. 80

Lagos - 22nd September, 2004

Vol. 91

Government Notice No. 336

The following are published as Supplement to this *Gazette* :

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A BILL**FOR****AN ACT TO MAKE PROVISION FOR THE STANDARD TENDERING PROCEDURE FOR
AWARD OF CONTRACTS IN THE PUBLIC SERVICE OF THE FEDERATION AND FOR
RELATED MATTERS****Sponsors:**

HON. ANDREW UCHENDU
HON. BOLOUS S. INDIAMAOWEI
HON. IBRAHIM KAMBA
HON. PASCAL ADIGWE
HON. AKINDAHUNSI TITILAYO
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HON. OSINACHUKWU IDEOZU
HON. LAISU ZANNA
HON. CHUMA NZERIBE
HON. MOROOF AKINWANDE

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LEGAL DEPOSIT DIVISION
SIGNATURE

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

1. —(1) Upon the commencement of this Act, the Federal Government shall design, produce and cause to be adopted a Standard Tendering Procedure for Award of Contracts in the Public Service of the Federation.

(2) The Standard Tendering Procedure shall clearly specify the application of objective criteria in the tendering for and procedure for award of contract.

Commence-
ment.

Standard
Tendering
Procedure.

Categorisation
of contracts.

- 1 2. For the purpose of Section 1, the Federal Government shall identify and
- 2 categorize the various contracts that are to be awarded into—
- 3 (a) Works contract which comprises building and engineering works;
- 4 (b) Supplies (procurement) contract covering purchasing of goods and
- 5 rendering of services;
- 6 (c) Services contract covering advertising, property management services,
- 7 architectural, engineering, surveying, legal, management, consultancy services
- 8 and other things of the like; and
- 9 (d) Combined contracts which are a combination of a supplies and services
- 10 contract or a works and services contract.

Standard
tendering
procedure.

- 11 3. The standard tendering procedure will cover—
- 12 (a) Open Procedure in which all interested suppliers, contractors and
- 13 services providers may submit tenders;
- 14 (b) Restricted Procedure in which only those suppliers, Contractors and
- 15 Services Providers invited by the Ministry, Parastatal or Extra-Ministerial
- 16 Department which is awarding the contract may submit tenders; and
- 17 (c) Negotiated Procedure in which the Ministry, Parastatal or
- 18 Extra-Ministerial Department concerned consults suppliers, contractors or
- 19 services providers of its choice and negotiates the terms of the contract with
- 20 one or more of them before selecting the one to be awarded the contract.

Advertisement
of Contract
Bid.

- 21 4.—(1) Every contract bid by any Ministry, Parastatal or Extra-Ministerial
- 22 Department shall be advertised in a minimum of three (3) newspapers which
- 23 circulate widely throughout the Federation.

- 24 (2) A minimum period of fourteen (14) days shall elapse between the date
- 25 of first publication and the date of acceptance of tenders from prospective
- 26 Suppliers, Contractors or Services Providers.

- 27 (3) The Suppliers, Contractors or Services Providers invited to submit
- 28 tenders under Section 3 (b) and (c) may be selected after the contract bid shall
- 29 have been advertised in a minimum of three (3) newspapers circulating widely
- 30 throughout the Federation.

Contract
value.

- 31 (4) A contract bid need not be advertised unless the value is more than

1 Five Million Naira (₦5,000,000).

2 5. The appropriate Committees of either Houses of the National Assembly
3 shall ensure that its oversight functions cover compliance with the Uniform and
4 Standard Tendering Procedure for Award of Contracts by Ministries, Parastatals
5 or Extra-Ministerial Departments.

Oversight
functions of
the National
Assembly.

6 6.—(1) Where any person or officer responsible for award of contracts
7 fails or refuses to comply with the provision of Section 4, he commits an offence.

Offences and
penalties.

8 (2) If the contract value is less than Fifty Million (₦50,000,000) the person
9 or officer convicted under Subsection (1) is liable to five hundred thousand
10 Naira (₦500,000) fine or six months imprisonment or to both such fine and
11 imprisonment.

12 (3) In every other case, the person or officer is liable to One Million Naira
13 (₦1,000,000,000) fine or one (1) year imprisonment or to both such fine and
14 imprisonment.

15 7.—(1) It is an offence for a staff of a Ministry, Parastatal or Extra-Ministerial
16 Department to disclose, release or give any information whatsoever relating to
17 any aspect of a contract bid or tender to any person or tenderer in order to give
18 that person or tenderer an advantage over any other person or tenderer.

Penalty for
disclosure of
information.

19 (2) Any person convicted under Subsection (1) is liable to One hundred
20 thousand Naira (₦100,000) fine or imprisonment for three (3) months or to both
21 such fine and imprisonment.

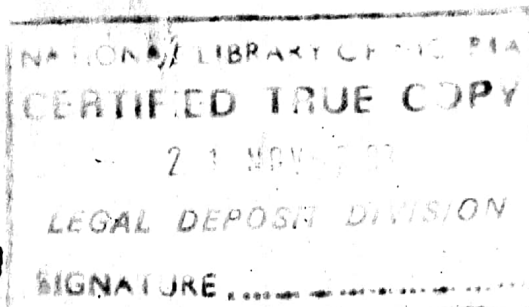
22 8. This Bill may be cited as the Contract Awards Standard Tendering
23 Procedure Bill, 2004.

Short Title.

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for a Standard Tendering Procedure for the Award of Contracts in the Public Service of the Federation.

Extraordinary



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16 Department to disclose, release or give any information whatsoever relating to
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18 that person or tenderer an advantage over any other person or tenderer.

Penalty for
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information.

19 (2) Any person convicted under Subsection (1) is liable to One hundred
20 thousand Naira (₦100,000) fine or imprisonment for three (3) months or to both
21 such fine and imprisonment.

22 8. This Bill may be cited as the Contract Awards Standard Tendering
23 Procedure Bill, 2004.

Short Title.

EXPLANATORY MEMORANDUM

This Bill seeks to make provisions for a Standard Tendering Procedure for the Award of Contracts in the Public Service of the Federation.

HB. 109

A BILL**FOR**

**AN ACT TO MAKE PROVISION FOR THE INCREASE IN THE NUMBER OF JUDGES
OF THE FEDERAL HIGH COURT FROM 50 TO 70**

Sponsored by HON. BALA IBN NA'ALLAH

[

]

Commence-
ment.

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

- 1 **1. Section 1 of the Federal High Court Act, as amended by the Federal**
- 2 **High Court (Amendment) Act, 1996 is hereby further amended as follows—**
- 3 **“for the word “fifty” in Subsection (2) (b) of Section 1, there shall be**
- 4 **substituted the word “seventy”**

Amendment
of the Federal
High Court
Act, Cap. 134
LFN 1990.
1993 No. 46.

- 5 **2. This Act may be cited as the Federal High Court (Amendment) Bill,**
- 6 **2004.**

Citation.

EXPLANATORY NOTE

*(This Note does not form part of the Bill above
but is intended to explain its purport)*

The Bill seeks to increase the number of the Judges of the Federal High Court from the current number of 50 Judges to 70.

The increase is intended to ensure that there is a sufficient number of Judges for the new Division of the Courts just created and those to be created in the future. The increase itself is intended to ensure the appointment in sufficient number of Judges to serve in the existing Divisions of the Court and for new Divisions yet to be established, whenever the need for such increase arises).

HB. 110

A BILL

FOR

**AN ACT TO PROVIDE FOR THE COMPULSORY USE OF MOTORCYCLE
SAFETY HELMET; AND FOR PURPOSES CONNECTED THEREWITH**

*Sponsored by HON. ABUBAKAR BAWA BWARI
(Suleja/Gurara/Tafa Federal Constituency)*

[

]

Commence-
ment.

BE IT ENACTED by the National Assembly of the Federal Republic of
Nigeria as followt—

1 **1. It shall be compulsory for any person who operates or rides upon any**
2 **motorcycle upon any public road or highway to wear a safety helmet—**

Compulsory
use of safety
helmet.

3 **(a) safety helmets must be worn during all cycle testing and whenever the**
4 **motorcycle is in motion;**

5 **(b) safety helmets must fit snugly and the strap must be properly fastened;**

6 **(c) any passenger thereon shall also be required to wear a safety helmet.**

7 **2. Any person who contravenes any provision of this Act or any regulation**
8 **made pursuant thereunder commits an offence and shall be liable on conviction**
9 **to a fine of ₦1,000 or to imprisonment for a term not exceeding 6 months or both**
10 **of such fine and imprisonment.**

Violation and
penalty.

11 **3. Persons suspected of having committed an offence under this Act may**
12 **be prosecuted in any Magistrate Court in the State with which the offence was**
13 **committed.**

Offenders.

14 **4. In this Act, except the context otherwise requires—**

Interpretation.

15 **“Motorcycle” means a two-wheeled engine driven vehicle, larger and**
16 **heavier than a bicycle, which carries its driver and may carry one passenger**
17 **on a pillion and may some times have a side car;**

18 **“Safety helmet” means a headgear designed to increase materially fatality**
19 **in case of a crash.**

20 **5. This Act may be cited as the Compulsory Use of Safety Helmet Bill,**
21 **2004.**

Short Title.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the compulsory use of safety helmets for driver and passengers of motorcycles on public roads and highways to reduce the number of fatalities in motorcycle accidents.

The Bill further provides penalty for the contravention of the provision of this Act or instructions given base on the provisions of this Bill.

A BILL

[EXECUTIVE]

FOR

**AN ACT TO PROVIDE FOR THE PERIODIC REVISION OF THE LAWS OF THE
FEDERATION OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH**

BE IT ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows—

Commence-
ment.

1 1.—(1) The Attorney-General of the Federation shall, at the expiration of
2 a period of 10 years after the last revision of the Laws of the Federation of
3 Nigeria or such earlier period as he may deem necessary, cause a revision
4 exercise of the Laws of the Federation of Nigeria or any part thereof to be
5 carried out in accordance with the provisions of this Act.

Power of the
Attorney-
General of the
Federation to
periodically
revise Laws
of the
Federation of
Nigeria.

6 (2) For the purposes of this section, the Attorney-General of the Federation
7 shall, from time to time, by Order published in the Federal Gazette, appoint a
8 Law Revision Committee (in this Act referred to as “the Committee”) which
9 shall consist of a Chairman and such other specified number of members to
10 revise the Laws of the Federation of Nigeria in accordance with the provisions
11 of this Act.

12 2.—(1) Subject to the provisions of this section and Section 3 of this Act,
13 the revised edition shall contain—

Contents of
the revised
edition, etc.

14 (a) all Federal enactments in force on the appointed day, and all subsidiary
15 instruments made thereunder and in force on the appointed day;

16 (b) all Federal enactments which have been enacted or promulgated but
17 not yet brought into operation on the appointed day and all subsidiary
18 instruments made thereunder; and

19 (c) a table of contents, a chronological table of enactments and an index.

20 (2) The Committee may in its discretion retain, as if it were part of a
21 Federal enactment, any portion of any enactment which is included in the revised
22 edition, if, in its opinion, such portion (in this Act referred to as “the State
23 Law”) cannot conveniently be omitted from the revised edition or if, in its
24 opinion, the retention of such portion would be of utility to the Government of

1 any State, notwithstanding that such portion of the enactment does not have
2 effect as a Federal enactment.

3 (3) The Committee shall, in the preparation of the revised edition, take no
4 account of any earlier revised edition of the Laws of the Federation (including
5 the revised edition prepared under the Revised Edition (Laws of the Federation)
6 Act, 1990 but the Committee shall proceed as if no such edition had ever been
7 prepared.

8 (4) The Committee may cause a different form of printing to be used
9 including any electronic or digital form, so far as it is practicable, in respect of
10 those enactments included in the revised edition which in its opinion are—

11 (a) Federal enactments;

12 (b) State laws.

13 (5) Nothing in this section shall empower the Committee to make any
14 alteration or amendment in the matter or in the substance of any Federal
15 enactment, without the approval of the National Assembly.

Power of the
Attorney-
General of the
Federation to
authorise
omission of
certain
enactments.

16 3.—(1) The Attorney-General of the Federation may by Order specify a
17 Schedule of enactments which it shall not be necessary for the Committee to
18 include in the revised edition upon the grounds that such enactments are—

19 (a) obsolescent; or

20 (b) of a temporary nature; or

21 (c) under revision with a view to replacement; or

22 (d) of restricted or personal application.

23 (2) Enactments, omitted in accordance with Subsection (1) of this section,
24 shall have the same force and validity as if they had not been omitted in the
25 revised edition.

Powers of the
Committee
Schedule.

26 4. In the preparation of the revised edition, the Committee shall have the
27 powers set out in the Schedule to this Act.

Validity and
operation of
the revised
edition.

28 5.—(1) The revised edition when brought into force in accordance with
29 Section 6 of this Act, shall be and be taken by all courts and for all purposes
30 whatsoever to be the authentic edition of Federal enactments enacted on or
31 before the appointed day.

(2) Nothing in this section shall be construed to imply the validity of any enactment included in the revised edition where such enactment is inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

6.—(1) Each volume of the revised edition shall be submitted to the Federal Executive Council as and when completed for its consideration and approval.

Bringing into force of the revised edition.

(2) When the revised edition has been printed and bound, the Attorney-General may by Order direct that the revised edition shall come into force on such date as he thinks fit.

(3) One copy of each volume of the revised edition shall be dated and signed by the members of the Committee and shall be sealed with the public seal of the Federation and the copy shall be transmitted to the Chief Justice of Nigeria who shall deposit the same among the records of the Supreme Court of Nigeria.

7. The Accountant-General of the Federation shall, upon warrant addressed to him by the Minister of Finance, make payment of all expenses for and incidental to the preparation, printing and publication of the revised edition.

Expenses.

8. This Act or any Order for the appointment of the Committee shall be reprinted as an introduction to any of the revised edition of the Laws of the Federation of Nigeria.

Act to be reprinted as introduction to the revised edition.

9.—(1) The Revised Edition (Laws of the Federation of Nigeria) Act, 1990 is hereby repealed.

Repeal, etc.

(2) The repeat of the enactment referred to in Subsection (1) of this section shall not affect anything done or purported to have been done under the repealed enactment.

10. In this Act, unless the context otherwise requires—

Interpretation.

“appointed day” means 31st day of December, 2002 for the Laws of the Federation of Nigeria, 2002 and in respect of subsequent revisions any day as the Attorney-General of the Federation may appoint by Order published in the Federal Gazette;

“Committee” means the Law Revision Committee established under Section 1 of this Act;

1 "enactment" means any provision of an Act and includes any subsidiary
2 instrument made under such Act;

3 "Federal enactment" means—

4 (a) any enactment which is or has effect as if it were a law enacted by
5 any Federal legislature in Nigeria with respect to any matter within its
6 competence; and

7 (b) any Decree promulgated by any previous Military Government with
8 respect to any matter whatsoever;

9 "the revised edition" means the revised edition of Federal enactments to
10 be prepared under the authority of this Act;

11 "subsidiary instrument" means any order, rules, regulations, notices, rules
12 of court or bye-laws;

13 "State" means a State as provided under Section 318 of the Constitution
14 of the Federal Republic of Nigeria, 1999.

Short Title and
commence-
ment.

15 11. This Act may be cited as the Revised Edition (Laws of the Federation
16 of Nigeria) Bill, 2004 and shall be deemed to have come into force on the 10th
17 day of September, 2001.

SCHEDULE

Section 4

POWERS OF THE COMMITTEE

1. The Committee shall have power to—

(a) omit all enactments which have—

(i) been expressly and specifically repealed, or

(ii) expired or have become spent; or

(iii) had their full effect;

(b) omit all repealing enactments contained in Acts and also all tables and lists of repealed enactments, whether contained in Schedules or otherwise;

(c) omit all preambles to Acts where such omissions can, in the opinion of the Committee, conveniently be made;

(d) omit all enacting clauses;

(e) omit all enactments prescribing the date when an Act or part of an Act is to come into operation, where such omission can, in the opinion of the Committee, conveniently be made;

(f) omit all amending enactments or parts thereof where the amendments effected thereby have been embodied by the Committee in the Act to which they relate;

(g) consolidate into one enactment any two or more enactments which are in *pari materia* making any alteration necessary thereto and affixing such date thereto as may seem most convergent;

(h) alter the order of any section of any enactment, and in all cases, where it may appear to be necessary to re-number any section;

(i) alter the form or arrangement of any section of any enactment by transferring words, by combining any such section in whole or in part with another section or other sections or by dividing it into two or more subsections;

(j) divide enactments whether consolidated or not, into Parts or Divisions;

(k) transfer any provision contained in an enactment from the enactment to any other enactment to which the Committee considers that it more properly belongs;

- (l) arrange the enactments, whether consolidated or not, in any sequence or group that may be convenient;
- (m) add a title to any enactment which may require it and alter the title or short title of any enactment;
- (n) supply or alter marginal notes;
- (o) supply or alter tables of contents;
- (p) correct cross-references;
- (q) shorten and simplify the phraseology of any enactment;
- (r) correct grammatical and typographical errors in any enactment and for that purpose make verbal additions, omissions or alterations not affecting the meaning of any enactment;
- (s) make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any enactment into conformity with the circumstances of any part of the Federation;
- (t) make such adaptations of or amendments to any enactment as may appear to be necessary or proper as a consequence of any change in the Constitution of the Federal Republic of Nigeria 1999; and
- (u) do all things relating to form and method which appear to the Committee necessary for the perfecting of the revised edition.

EXPLANATORY MEMORANDUM

The Bill seeks to provide for periodic revision of the Laws of the Federation and the establishment of the Law Revision Committee charged with the responsibility to revise and update the laws as well as provide for the powers of the Committee and for matters connected therewith.

A BILL**FOR****AN ACT TO ESTABLISH A BUDGET IMPLEMENTATION, MONITORING AND COMPLIANCE COMMISSION AND MATTERS CONNECTED THEREWITH***Sponsored by HON. ABDUL S. OROH*

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

1 **1.—(1) There is hereby established a body to be known as Budget**
 2 **Implementation Monitoring And Compliance Commission (hereinafter referred**
 3 **to as “the Commission”) which shall have the functions conferred on it by this**
 4 **Act.**

Commence-
ment.Establishment
of the Budget
Implementa-
tion,
Monitoring
and Compli-
ance
Commission.

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

7 **2. Subject to the provisions of the Constitution and this Act, the functions**
 8 **of this Commission shall be to—**

Functions of
the Commis-
sion.

9 **(a) monitor the implementation and ensure the compliance by the Federal**
 10 **Government of the Provisions of each appropriation bill to the later;**

11 **(b) liaise with Government Ministries and parastatals to confirm the release**
 12 **of funds appropriated to them by the Federal Government from time to time;**

13 **(c) monitor the release of sums appropriated to the respective State**
 14 **Governments and Constituencies in the federation;**

15 **(d) ensure that appropriated sums are utilized for the purposes outlined in**
 16 **the Appropriation Bill of each succeeding year;**

17 **(e) compile quarterly reports of budget implementation and compliance by**
 18 **the Federal Government for the scrutiny of the National Assembly;**

19 **(f) carry out such other functions as may be assigned to it by the National**
 20 **Assembly in furtherance of the objectives of this Act.**

21 **3.—(1) The National Assembly may for all or any of the purposes of this**
 22 **Act initiate or approve policy and accordingly, the National Assembly may give**
 23 **to the Commission directions of a general or special nature as**

Initiation and
approval of
policy by
National
Assembly.

1 to the manner in which the Commission is to exercise its powers and it shall be
2 the duty of the Commission to give effect to any such directions.

3 (2) No policy initiated by the Commission shall be implemented without
4 prior reference to and approval by the National Assembly which shall if it
5 deems necessary, consult with the Commission before approving any such policy.

Composition,
etc. of the
Commission.

6 4.—(1) The Commission shall consist of—

7 (a) a Chairman;

8 (b) a representative from each State of the Federation appointed by the
9 State Governor upon confirmation by the State House of Assembly;

10 (c) a representative of the Federal Capital Territory, Abuja appointed by
11 the Legislative Councils within the territory;

12 (d) 6 members appointed from the six geopolitical zones of Nigeria by the
13 President upon confirmation by the Senate;

14 (e) a representative from the Federal Ministry of Justice.

15 (2) A member of the Commission who is not a public officer—

16 (a) shall hold office for a period not exceeding 4 years and shall not be
17 eligible for reappointment;

18 (b) shall be paid such remunerations whether by way of salary, fees or
19 allowances for traveling and other expenses as the Commission may from
20 time to time determine;

21 (c) may by notice in writing addressed to the Senate resign his appointment;

22 (d) can be removed from office by the President after confirmation by the
23 National Assembly.

Secretary and
other
members of
staff of the
Commission.

24 5.—(1) There shall be appointed by the Commission, a Secretary who
25 shall be responsible for the day-to-day administration of the Secretariat of the
26 Commission, conduct its correspondence, keep its records and exercise such
27 functions as the Chairman may from time to time direct.

28 (2) The Commission may appoint such persons as members of its staff as
29 it considers necessary and may approve conditions of service including provision
30 for the payment of pensions and gratuities in accordance with the public service
31 rules.

6. The Commission shall have power to—

**Powers of the
Commission.**

(a) demand and receive reports on budget implementation and compliance by the executive and forward such reports to the National Assembly on a quarterly basis;

(b) investigate and verify claims of non-implementation of budget provisions in any part of the country;

(c) request for and obtain clarification from the Federal Government on any claims of non implementation of budget provision in any part of the Country and forward its report to the National Assembly;

(d) establish liaison offices in all the 36 States of the federation and Abuja, and coordinate the activities of these offices in furtherance of the objectives of this Act;

(e) subject to the Land Use Act, acquire by purchase or lease any landed property required for its purposes under this Act;

(f) exercise disciplinary control (including dismissal) over its employees;

(g) carry out such other functions as the National Assembly may from time assign to it in furtherance of its functions under this Act.

7.—(1) The Commission shall establish and maintain with reputable banks, a fund from which there shall be defrayed all expenditure incurred by the Commission.

**Funds of the
Commission,
etc.**

(2) There shall be paid and credited to the fund referred to in Subsection (1) of this section—

(a) such sums as may from time to time, be granted to the Commission by the Federal Government;

(b) such sums as may be appropriated to it by the Federal Government;

(c) all monies raised for the purposes of the Commission by way of gifts, loans, grants in aid, testamentary disposition or otherwise;

(d) all other assets that may from time to time accrue to the Commission.

8. The Commission may from time to time, apply the proceeds of the fund established pursuant to Section 7 of this Act to—

**Application of
the proceeds
of the Fund.**

(a) provide training for its employees;

- 1 (b) pay the salaries, allowances and benefits of its employees;
- 2 (c) meet the expenses incurred from time to time in furtherance of the
- 3 functions of the Commission;
- 4 (d) meet the cost of administration and research work carried out by or on
- 5 behalf of the Commission;
- 6 (e) reimburse members of the Commission and its *ad-hoc* committees as it
- 7 may deem necessary from time to time.

Accounts and
audit.

8 9.—(1) The secretary to the Commission shall at the end of each financial
9 year, prepare estimates of expenditure and after approval by the Commission,
10 the estimates shall be forwarded through the Auditor-General to the Government
11 of the Federation for approval.

12 (2) The Commission shall keep proper accounts and records of all its
13 expenditure.

14 (3) The accounts of the Commission shall be audited annually by an auditor
15 appointed annually from the list of auditors and in accordance with the guidelines
16 issued by the Auditor-General for the federation.

Annual report,
activities, etc,
of the
Commission.

17 10.—(1) The Commission shall not later than six (6) months after the end
18 of each financial year, submit through the Attorney- General of the federation,
19 to the National Assembly, a report of the activities of the Commission and the
20 findings during the immediately preceding year and shall include a copy of the
21 audited accounts of the Commission for that year and the auditors report thereon
22 for the approval of the National Assembly, publish general reports of the activities
23 and findings to members of the public.

24 (2) The Commission may, from time to time after the approval of the
25 National Assembly, publish general reports of its activities and findings to
26 members of the public.

Power to
make
regulations.

27 11. The National Assembly may make regulations generally for the purposes
28 of enabling the Commission to carry out its functions under this Act or giving
29 full effect to the provisions of this Act.

Interpretation.

30 12. In this Act unless the context otherwise requires—
31 "Commission" means the Budget Implementation, Monitoring and

1 Compliance Commission;

2 "Constitution" means Constitution of the Federal Republic of Nigeria,
3 1999;

4 "President" means President, Commander-in-Chief of the Federal Republic
5 of Nigeria;

6 "Chairman" means Chairman of the Commission.

7 13. This Act may be cited as the Budget Implementation, Monitoring and Short Title.
8 Compliance Commission Bill, 2004.

A BILL**FOR**

**AN ACT TO ESTABLISH A NATIONAL YOUTHS DEVELOPMENT COMMISSION AND TO
MAKE PROVISION FOR ITS DUE ADMINISTRATION AND FOR CONNECTED PURPOSES**

Sponsored by HON. ANDREW UCHENDU

[]

Commence-
ment.

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

1 PART I—ESTABLISHMENT OF THE NATIONAL YOUTHS DEVELOPMENT COMMISSION

**2 1.—(1) There is established a body to be known as the National Youths
3 Development Commission (in this Act referred to as “the Commission”).**

Establishment
of the
Commission.

4 (2) The Commission—

5 (a) shall be a body corporate;

6 (b) shall have perpetual succession, a common seal; and

7 (c) may sue and be sued in its corporate name.

**8 (3) The role of the Federal Government in the Commission shall be
9 supervisory and interventional only in order to provide assistance to the States
10 and the Local Governments in Nigeria for the purpose of maintaining uniform
11 youths development programmes in the country.**

Role of the
Federal
Government
in the
Commission.

**12 2.—(1) The Management of the Commission shall vest in the following
13 members whose appointment shall be in line with the federal character provision
14 of the Constitution—**

Management
of the
Commission.

15 (a) a part-time Chairman who shall be a seasoned educationist;

16 (b) a representative not below the rank of a Director from—

17 (i) the Federal Ministry of Education,

18 (ii) the Federal Ministry of Labour and Productivity, and

**19 (iii) National Commission for Mass Literacy, Adult and non-formal
20 Education;**

21 (e) a member representing each of the six geopolitical zones in the country;

22 (d) the Chairman, National Poverty Eradication Programme;

**23 (e) two other members appointed on personal merit to represent some
24 special interests; and**

1 (f) the Executive Secretary of the Commission

2 (3) The Chairman and members of the Commission shall be—

3 (a) persons of proven integrity; and

4 (b) appointed by the President on the recommendation of the Minister.

5 (4) The supplementary provisions set out in the schedule to this Act shall
6 have effect with respect to the proceedings of the council and the other matters
7 contained in it.

Tenure of
office, etc.

8 3.—(1) A member of the Commission other than the Executive Secretary,
9 shall hold office for a term of four years in the first instance and may be
10 re-appointed for a further term of four years upon satisfactory performance and
11 no more.

12 (2) A member of the Commission may, at any time, resign his membership
13 by a notice in writing addressed to the President and that member shall, on the
14 date of the acceptance of the resignation by the President cease to be a member
15 of the Council.

Remuneration
of members.

16 4. Members of the Commission shall be paid such allowances as the
17 Federal Government may determine.

Cessation of
office.

18 5.—(1) A member of the Commission shall cease to hold office if he—

19 (a) becomes bankrupt or makes a compromise with the creditors; or

20 (b) he is convicted of a felony or of any offence involving dishonesty.

21 (2) A member of the Commission may, at any time, be removed from
22 office by the President for inability to discharge the functions of his office
23 (whether arising from infirmity of mind or body) or for any fraudulent act or
24 misconduct.

25 (3) When a vacancy occurs in the membership of the Commission, it shall
26 be filled by the appointment of a successor, by the President to hold office for
27 the remainder of the term of office of his predecessor, and he shall represent the
28 same interest as, his predecessor.

29 PART II—FUNCTIONS

Functions of
the
Commission

30 6. The Commission shall—

31 (a) formulate general policy guidelines for the successful operation of the

1 Youths Development Programme in the country;

2 (b) prescribe the minimum standards for Youth Development Programmes
3 in the country;

4 (c) enquire into and advise the Federal Government on the funding and
5 orderly development of youth programmes in the country;

6 (d) consult with the States, Local Governments and other relevant
7 stakeholders and then collate and prepare periodic master plans for a balanced
8 and coordinated Youth Development in Nigeria;

9 (e) carry out youth enrollment into the programme at regular intervals in
10 concert with States and Local Governments;

11 (f) monitor the inputs of the Federal Government in the implementation of
12 the Programme;

13 (g) present annual progress report to the President and the National
14 Assembly on the implementation of the Programme.

15 7. The programmes of the Commission shall include—

16 (a) establishment of Youth Development Centres at appropriate locations;

17 (b) enlistment of youths who have dropped out of either the Primary or
18 Secondary Schools level or have completed either but could not proceed
19 further,

20 (c) enlistment of Youth Organisations in the country;

21 (d) counseling the youths and educating them on available opportunities
22 for them;

23 (e) empowering the youths to acquire skills by attaching them to private
24 organizations or the youth development
25 centres;

26 (f) provision of micro-credit to the youths on completion of skills acquisition
27 programmes; and

28 (g) generally positioning the youths for gainful employment.

29 **PART III—STAFF**

30 8.—(1) There shall be for the Commission an Executive Secretary who
31 shall be the Chief Executive and Accounting Officer to the Commission.

Programmes
of the
Commission.

Executive
Secretary of
the
Commission.

1 (2) The Executive Secretary shall be appointed by the President on the
2 recommendation of the Minister.

3 (3) The Executive Secretary shall hold office for a term of five years in
4 the first instance on such terms and conditions as the Minister, determine

5 (4) He may be re-appointed for one further term of four years, on satisfactory
6 performance and no more.

7 (5) He is responsible for the day-to-day administration of the Commission.

Deputy
Executive
Secretaries.

8 9.—(1) The President shall, on the recommendation of the Minister, appoint
9 two Deputy Executive Secretaries who shall be responsible for the Technical
10 and Services of the Commission.

11 (2) They shall hold office for a term of five years in the first instance and
12 it is renewable for another term of four years upon satisfactory performance.

13 (3) They shall have terms and conditions of service as are specified in
14 their letters of appointment.

Other staff of
the
Commission.

15 10.—(1) The Commission has power to employ directly, and either on
16 transfer or on secondment from my civil or public service of the Federation or
17 of a state or from any other body, such number of employees as may in the
opinion of the Commission, be required to assist the Commission in the discharge
of its functions under this Act.

(2) The terms and conditions of service (including terms and conditions as
to remuneration, allowances, pensions, gratuities and other benefits) of the persons
employed by the Commission shall be as are applicable to other officers of
equivalent rank in the civil or public service of the Federation or as shall be
determined, from time to time, by the Commission.

(3) The Commission may engage such consultants and advisers as it may
require for the proper and efficient discharge of its functions.

Staff
regulations.

11. The Commission may, subject to the provisions of this Act make staff
regulations relating generally to the conditions of service of the employees of
the Commission and without prejudice to the generality of the foregoing,
such regulations may provide for—

(a) the appointment promotion and disciplinary control (including dismissal)

of employs of the Commission; and

(b) appeals by such employees against dismissal or other disciplinary measures.

12. The Commission shall, with the approval of the Minister, determine its conditions of service, including pensions and gratuities, as are appropriate for its employees.

Conditions of Service.

13.—(1) It is hereby declared that service in the Commission is a scheduled service and shall be deemed to be pensionable under the Pensions Act and accordingly, employees of the Commission shall, in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

Pensions Reform Act, 2004.

(2) Despite Subsection (1), the Commission has power to appoint a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

(3) For the purpose of the application of the Provisions of the Pensions Reform Act any power exercisable by the Minister or other Authority of the Government of the Federation is invested in and shall be exercisable by the Commission, and not by any other person or authority.

PART IV—FINANCIAL PROVISIONS

14.—(1) The Commission shall establish and maintain a fund which shall be applied towards the discharge of its functions.

Fund of the Commission.

(2) There shall be paid and credited to the fund—

(a) such sums, not more than ₦1,000,000,000 annually, as may be provided as a Block Grant by the Government of the Federation to the Commission;

(b) funds or contributions in form of Federal Government Guaranteed Credits; and

(c) all other sums accruing to the Commission by way of gifts, grants from both local and international donors, testamentary depositions, endowments and contributions from philanthropic persons or organizations or otherwise howsoever.

15.—(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

Power to accept gifts.

1 organization making the gift.

2 (2) The Commission shall not accept any gift if the conditions attached by
3 the person or organization making the gift are inconsistent with the functions of
4 the Commission.

Power to
borrow.

5 **16.—(1)** The Commission may, with the consent of the Minister, borrow
6 by way of loan or overdraft from any source approved by the Minister, such
7 specified amount of money as may be required by the Commission for meeting
8 its obligations and discharging its functions.

9 (2) The Commission may, subject to the provisions of this Act and conditions
10 of any Trust created in respect of any property, invest all or any of its funds,
11 with the consent or general authority of the minister.

Cap. 449
LFN.

12 (3) The Commission may invest any of its surplus funds in securities
13 prescribed by the Trustee Investments Act or such other securities as may, from
14 time to time, be approved by the Minister.

Cap 202 LFN.

15 (4) Subject to the Provisions of the Land Use Act and any special or
16 general direction which the Minister may give in that behalf, the Commission
17 may acquire or lease any land required for its purpose.

Annual
estimates,
accounts and
audit.

18 **17.—(1)** The Commission shall cause to be prepared, not later than 30th
19 September in each year, an estimate of the expenditure and income of the
20 Commission during the next succeeding year and when prepared, they shall be
21 submitted through the Minister, to the Federal Executive Council for approval.

22 (2) The Commission shall cause to be kept proper accounts and proper
23 records and when certified by the Commission, such accounts shall be audited as
24 provided in Subsection (3) hereunder.

25 (3) The accounts of the Commission shall be audited by auditors appointed
26 from the list of auditors and in accordance with the guidelines issued by the
27 Auditor-General for the Federation and the fees of the auditors and the expenses
28 for the audit generally shall be paid from the funds of the Commission.

Annual
reports.

29 **18.** The Commission shall, not later than six months after the end of each
30 year, submit through the Minister, to the Federal Executive Council and the
31 National Assembly, a report on the activities of the Commission and its

1 administration during the immediately preceding year and shall include in the
2 report the audited accounts of the Commission and the auditors comments on it.

3 19. When a state initiates a project, it shall contribute 20% of the total State to
4 cost of the execution of the project in order to qualify to benefit from the Block contribute.
5 Grant of the Federal Government pursuant to Section 14 (2) (a)

6 PART V—ESTABLISHMENT OF YOUTH DEVELOPMENT BOARD AND YOUTH
7 DEVELOPMENT AUTHORITY

8 20.—(1) There shall be established for each State, through a Law enacted Youth
9 by the House of Assembly of the State, a State Youth Development Board (in Development
10 this Act referred to as the “Youth Board”). Board.

11 (2) The structure, functions, composition, tenure of office of the Chairman
12 and members of the Youth Board, Staffing and Funding of the Board should be
13 prescribed in the Law of the House of Assembly.

14 21.—(1) There shall be established for each Local Government Area of a Youth
15 State and each Area Council of the Federal Capital Territory, Abuja through a Development
16 Law enacted by the House of Assembly of the State or the National Assembly Authority.
17 (in the case of the Area Councils of the Federal Capital Territory, Abuja) a
18 Youth Development Authority (in this Act referred to as “the Local Youth
19 Authority”) which shall be subject to the supervision of the Youth Board.

20 (2) The structure, functions, composition tenure of office of the Chairman
21 and members of the Local Youth Authority, Staffing and Funding of the Youth
22 Authority shall be prescribed in the Law of the House of Assembly or an Act of
23 the National Assembly (in the case of the Area Councils of the Federal Capital
24 Territory).

25 22. The administration and disbursement of funds shall be through the Disbursement
26 State Youth Development Board and Local Youth Authority, respectively. of funds.

27 23.—(1) Subject to availability of funds, the Commission may provide Provision of
28 technical assistance and grants to the States Youth Development Board for their technical
29 coordinating roles in the activities of the Youth Development Authorities. assistance and
30 grants.

31 (2) The Youth Development Boards of the States may submit applications
for grants at such time and in such form as the Commission may determine.

1 (3) In making the grants, the Commission shall give priority to the States
2 which through their Youth Development Boards have—

3 (a) already initiated an inter-agency coordination effort focused on the
4 youth;

5 (b) planned to work with at least one locality in support of a Local Youth
6 Authority coordinating the efforts of the youth;

7 (c) demonstrated a willingness to include non-governmental, non-profit
8 making and community-based organizations in the work of the Youth
9 Development Board; and

10 (d) demonstrated a willingness to include young people, especially those
11 in disadvantaged situations, in the work of the Youth Development Board.

Youth
Organisations
to register.

12 24. Any youth organization or body existing before the commencement of
13 this Act and any other one that may be formed subsequently shall ensure that it
14 is registered with the relevant body under this Act.

Parents to
register their
wards.

15 25. A parent whose child or ward has dropped out of either the primary or
16 secondary school level and cannot go any further in the formal educational
17 sector shall register the child or ward with the Youth Development Centre in
18 his Local Government Area.

Penalties.

19 26.—(1) Any parent who contravenes Section 25 is liable—

20 (a) on first conviction, to a reprimand;

21 (b) on second conviction, to a fine of ₦3,000.00 or imprisonment for a
22 term not exceeding one month or to both such fine and imprisonment; and

23 (c) on subsequent conviction, to a fine of ₦10,000.00 or imprisonment for
24 a term not exceeding three months or to both such term and imprisonment.

25 (2) Any registered youth who absconds from the centre shall, on conviction,
26 be sent to a remand home for a period of one month.

27 PART VI—MISCELLANEOUS PROVISIONS

28 27. The Youth Development Centres shall not charge any fees for the
29 services provided for the youth.

30 28. The Minister may make such regulations as he deems to be necessary
31 or expedient for giving full effect to the Provisions of this Act.

No fees to be
charged.

Regulations.

29. In this Act—

Interpretation.

“Commissioner” means the Commissioner in the Executive Council of a State who is responsible for matters relating to the youth;

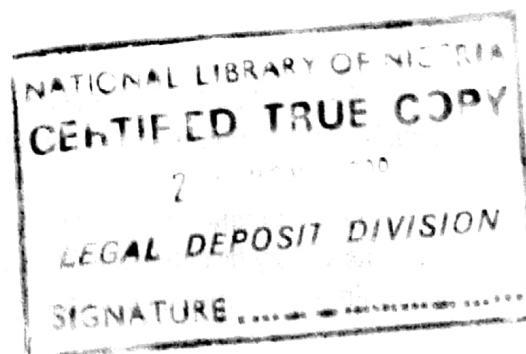
“Minister” means the Minister in the Federal Executive Council who is responsible for matters relating to the youth;

“Parent” means a father, mother, guardian or any other person who has the care or custody of a youth;

“President” means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

“State” means one of the thirty-six States of the Federal Republic of Nigeria.

30. This Act may be cited as the National Youths Development Commission Bill, 2004. Citation.



SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

Proceedings of the Commission

Cap. 192 LFN.

1.—(1) Subject to this Act and section 27 of the Interpretation Act, the Commission may make Standing Orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 4 other members of the Commission, and the quorum of any of its committee shall be as determined by the Commission.

2.—(1) The Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by no fewer than 4 other members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) When the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt that person to the Commission for such period as it deems fit but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committees

3.—(1) The Commission may appoint one or more committees to carry out on behalf of the Commission, such functions as the Commission may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission 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 Commission shall be of no effect until it is confirmed by the Commission.

Miscellaneous

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or that of any other member of the Commission generally or specifically authorized by the Commission to act for that and that of the Executive Secretary.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by the Executive Secretary or any person generally or specifically authorized by the Commission to act for that purpose.

(3) A document purporting to be duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

(4) The validity of any proceedings of the Commission or of its committee shall not be adversely affected by—

- (a) a vacancy in the membership of the Commission; or
- (b) a defect in the appointment of a member of the Commission or committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Commission or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of National Youths Development Commission to focus on the initiation of programmes aimed at guaranteeing a secured future for the youths of Nigeria.

It further seeks to provide punishment for parents and youth organization who fail to comply with its provisions.