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Government Notice No. 114

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THE PORTS (RELATED OFFENCES, ETC.) (AMENDMENT) ACT, 2003



ARRANGEMENT OF SECTIONS

SECTION :

1. Amendment of Act No. 12 1996.
2. Amendment of Section 1.
3. Citation.

1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920.



THE PORTS (RELATED OFFENCES, ETC.) (AMENDMENT) ACT, 2003

2003 ACT No. 13

AN ACT TO AMEND THE PORTS (RELATED OFFENCES)

ACT NO. 12 OF 1996 ; AND FOR RELATED MATTERS

[10th June, 2003]

Commence-
ment

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

1. The Ports (Related Offences) Act No. 12 of 1996 (in this Act referred to as "the Principal Act") is amended as set out in this Act.

Amendment
of Act No. 12
1996.

2. Section 1 (1) of the Principal Act is amended by inserting immediately after paragraph (j) the following new paragraph—

Amend-
ment of
Section 1.

"(jj) an approved designated staff of the National Agency for Food and Drug Administration and Control"

3. This Act may be cited as the Ports (Related Offences etc.) (Amendment) Act, 2003.

Citation.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Act passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly
10th June, 2003

EXPLANATORY MEMORANDUM

This Act amends the Ports (Related Offences, etc.) Act No. 12 of 1996 by including the operation of the National Agency for Food and Drug Administration and Control at the Nigerian Ports.

SCHEDULE TO THE PORTS (RELATED OFFENCES, ETC.) (AMENDMENT) BILL 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by House of Representatives</i>
The Ports (Related Offences, etc.) (Amendment) Bill, 2003.	An Act to amend the Ports (Related Offences) Act No. 12 of 1996 ; and for Related Matters.	This Bill seeks to further amend the Education Tax Fund Act No. 40 1998 by clearly specifying and widening the scope of the membership of the Board of Trustees of the Education Tax Fund. It also provides for a more effective compliance with the principle of Federal Character.	17th October, 2003.	15th May, 2003.

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. 4, Laws of the Federation of Nigeria 1990.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003.

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
10th June, 2003.

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**THE NIGERIAN INSTITUTE OF MANAGEMENT
(ESTABLISHMENT) ACT, 2003**



ARRANGEMENT OF SECTIONS

SECTION :

1. Establishment of the Nigerian Institute of Management and its duties.
2. Election of the Principal Officers of the Institute.
3. Governing Council and its Membership.
4. Appointment of Board of Fellows.
5. Funds of the Institute.
6. Appointment and duties of the Registrar and preparation of the Register.
7. Publication of registers and list of corrections.
8. Registration of professional management practitioners.
9. Approval of qualifications, etc.
10. Supervision of instruction and examinations leading to approved qualifications.
11. Establishment of disciplinary tribunal and investigating panel.
12. Penalties for unprofessional conducts, etc.
13. Application of this Act to enrolled persons.
14. When a person is deemed a management practitioner.
15. Rules as to practicing fees, etc.
16. Honourary membership.
17. Provision of library facilities, etc.
18. Regulations and rules.
19. Transfer to the Institute of certain property, etc.
20. Offences.
21. Interpretation.
22. Citation.

SCHEDULE

**THE NIGERIAN INSTITUTE OF MANAGEMENT
(ESTABLISHMENT) ACT, 2003**

2003 ACT No. 14

AN ACT TO ESTABLISH THE NIGERIAN INSTITUTE OF MANAGEMENT ; AND FOR
RELATED MATTERS

[19th June, 2003]

Commence-
ment.

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

**PART I — ESTABLISHMENT OF THE NIGERIAN INSTITUTE OF MANAGEMENT, GOVERNING
COUNCIL AND ITS DUTIES**

1.—(1) There shall be established a body to be known as the Nigerian Institute of Management (in this Act referred to as “ the Institute”) which shall be a body corporate under that name and be charged with the general duty of—

Establish-
ment of the
Nigerian
Institute of
Management
and its duties.

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the management profession and raising those standards from time to time as circumstances may permit ;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of registers of members and the publication from time to time of a list of those members ;

(c) regulating and controlling the profession of management in all its aspects and ramifications ; and

(d) performing through the Council under this Act the functions conferred on it by this Act.

(2) The institute shall have perpetual succession and a common seal which shall be kept in such custody as the Council under this Act may from time to time authorize.

(3) The institute may sue and be sued in its corporate name and may, hold, acquire and dispose of any property, movable and immovable.

(4) Subject to the provisions of this Act, members admitted to the institute shall possess adequate knowledge and experience as managers and be enrolled in the category of :

(a) companions ;

(b) fellows ;

(c) members ; and

(d) associates.

(5) Persons accorded status as professional managers by the Council shall be entitled to the use of that name and shall be recorded as :

(a) companions ;

(b) fellows ;

(c) members ; and

(d) associates ;

Provided they satisfy all the criteria as stipulated by the Council from time to time as applicable to each grade of membership and as contained in the bye-laws of the Institute.

(6) Every professional member excluding companions are required to attend a number of mandatory continuing professional education programme (MCPEP)—as specified by the Council and as contained in the bye-laws as a prerequisite to upgrading.

(7) All newly elected members into the grades of Associates and Members shall undergo Membership Induction Programme (MIP) before the confirmation of their election into these grades.

(8) The following are the designated letters for—

(a) Companions of the Nigerian Institute of Management shall be CNIM ;

(b) Fellows of the Nigerian Institute of Management shall be FNIM ;

(c) Members of the Nigerian Institute of Management shall be MNIM ; and

(d) Associates of the Nigerian Institute of Management shall be AMNIM.

(9) Graduates and students registered for training shall become professional members only after satisfying requirements for membership as stipulated in the bye-laws.

(10) Affiliates are companies or individuals with functional working relationship with the Institute.

(11) Corporate members, firm, company, association, institution or other corporate or incorporated body may at the discretion of the Council, be admitted as a Corporate Member and admission as a corporate member shall not confer professional membership of the institute on any member of the company or organisation.

Election of
the Principal
Officers of
the Institute.

2.—(1) The principal officers of the Institute shall be the President, Deputy President and a National Treasurer who shall be financial members in the grades of Associates, Members and Fellows of the Institute, to be elected annually at the first Council meeting after the annual general meeting and hold the same office for not more than 2 years continuously.

(2) The President shall be the Chairman at the meetings of the Institute. But in the event of the death, incapacity or inability for any reason of the President, the Deputy President shall act in his stead for the unexpired portion of the term of office.

(3) The President, Deputy President and the National Treasurer shall respectively be Chairman, Deputy Chairman and the Treasurer of the Council.

(4) If the President or the Deputy President or the National Treasurer ceases to be a member of the Institute, he shall cease to hold any of the offices designated under this section.

3.—(1) There shall be, as the governing body of the Institute, a Council charged with the administration and general management of the Institute.

Governing
Council and
its
membership.

(2) The Council shall consist of the following members—

- (a) the President of the Institute who shall be the Chairman ;
- (b) the Deputy President of the Institute who shall be the Vice-Chairman ;
- (c) the Treasurer ;
- (d) four Vice-Presidents ;
- (e) one person representing the Federal Ministry or other Federal Office in charge of Establishment or Management Matters ;
- (f) six zonal Chairmen elected every two (2) years from the Six Geo-political Zones ;
- (g) 12 others (beside the officers in (a) to (c) above who are individual members of Council elected at the annual general meeting ;
- (h) seven corporate members nominated by Council ;
- (i) three representatives from educational and training institutions nominated by the Council ;
- (j) a Chairman Board of Fellows ;
- (k) chairmen of Committees of Council (who are elected Council members) ;
- (l) past Presidents of the Institute and Chairmen of Council ; and
- (m) any co-opted member(s) up to a maximum of 10.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Council and the other matters therein mentioned.

First
Schedule.

4.—(1) There shall be appointed annually by the Council, a Board of Fellows, to co-ordinate the activities of fellows of the Institute and to recommend to the Council on yearly basis admission of members to the fellowship and companionship grades.

Appointment
of Board of
Fellows.

(2) The Board of Fellows shall consist of persons who have been duly elected as Fellows of the Institute.

PART II—FINANCIAL PROVISIONS

5.—(1) The Council shall establish and maintain a fund, the management and control of which shall be in the hands of the Council and into which shall be paid—

Funds of the
Institute.

- (a) all monies received by the Council in pursuance of this Act ;
- (b) all fees and other monies payable to the Council by its members, individuals

and corporate bodies ; and

(c) such monies as may be provided by the Federal, State and Local Governments or individuals or corporate bodies, national or international to the Council by way of grant, subvention or by way of loan or otherwise.

(2) There shall be paid out of the Fund of the Institute :

(a) all expenditure incurred by the Council in the discharge of its functions under this Act ;

(b) the remunerations and allowances of the Registrar and other staff of the Institute ; and

(c) such reasonable travelling and subsistence allowances of members of the Council in respect of the time spent on the duties of the Council as the Council may determine.

(3) The Council may invest money of the Fund in any security created or issued by or on behalf of the Government of the Federation or in any other securities in Nigeria approved by Council.

(4) The Council may, from time to time, borrow money for the purposes of the Institute and any interest payable on moneys so borrowed shall be paid out of the Fund.

(5) The Council shall keep proper accounts on behalf of the Institute in respect of each year and proper record in relation to those accounts and the Council shall cause the account to be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

(6) The auditor appointed for the purposes of this section, shall not be a member of the Council.

PART III—THE REGISTRAR

Appointment
and duties of
the Registrar
and prepara-
tion of the
Register.

6.—(1) It shall be the duty of the Council to appoint a fit person to be the Registrar for the purposes of this Act.

(2) The Registrar shall be the Head of Administration of the Institute and Secretary to the Council.

(3) The Registrar shall prepare and maintain, in accordance with the rules made by the Council, a register of the names, addresses, approved qualifications and other relevant particulars as may be specified in the rules, of all persons who are entitled to be enrolled as companions, fellows, members or associates.

(4) The Register shall consist of five parts of which one part shall be in respect of companions, the second part shall be in respect of fellows, the third part shall be in respect of members, the fourth shall be in respect of associates and the fifth part shall be in respect of graduates and students.

(5) Subject to the following provisions of this section, the Council may make rules with respect to the form and keeping of the Register and making of entries

therein, and in particular—

(a) the making of applications for enrolment ;

(b) providing for notification to the Registrar, by the person to whom registered particulars relate, of any change in those particulars ;

(c) authorizing a registered person to have any qualification which is in relation to the relevant division of the profession, either an approved qualification or an accepted qualification for the purpose of this Act registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered ;

(d) specifying the fees including subscription to be paid to the Institute in respect of the entry of names on the Register authorizing the Registrar to refuse to enter a name on the Register until the fee specified for the entry has been paid.

(e) specifying anything failing to be specified under this section, but rules made for the purposes of subsection (4) of this section shall not come into force until they are confirmed at a special meeting of the Institute convened for that purpose or at the next annual general meeting as the case may be.

(6) The Registrar shall—

(a) correct, in accordance with the Council's directions, any entry in the Register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made ;

(b) make from time to time any necessary alterations in the registered particulars of registered persons ;

(c) remove from the Register the name of any registered person who has died ;

(d) record the names of members of the Institute who are in default for more than twelve months in the payment of annual subscriptions, and take such action in relation thereto (including removal of the names of the defaulters from the Register) as the Council may direct or require.

(7) If the Registrar—

(a) sends by post to any registered person a letter addressed to him at his address on the Register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting ; and

(b) upon the expiration of that period sends in the like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it ;

The Registrar may remove the particulars relating to the person in question from the Register and the Council may direct the Registrar to restore to the appropriate part of the Register any particulars removed there from under this sub section.

Publication
of Registers
and list of
corrections.

7.—(1) The Registrar shall—

(a) cause the Register to be printed, published and put on sale to members of the public not later than two months from the appointed day ;

(b) in each year after that, in which the Register is first published cause to be printed, published and put on sale as either a corrected edition of the Register or a list of alterations made to the Register since it was last printed ; and

(c) cause a print of each edition of the Register and of each list of correction to be deposited at the principal offices of the Institute and the Council shall keep the Register and list so deposited available at all reasonable times for inspection by members of the Institute.

(2) A document purporting to be a print of an edition of the Register published under this section by authority of the Registrar, or documents purporting to be prints of an edition so published, shall (without prejudice to any other mode of proof) be admissible in any proceeding as evidence that any person specified in the document, for the documents read together, as being registered was so registered at the date of the edition or of the list of corrections, as the case may be, and that any person not so specified was not so registered.

(3) Where in accordance with Subsection (2) of this section, a person is, in any proceeding, shown to have been, or not to have been, registered at a particular date, he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be, or not to be, so registered.

PART IV—REGISTRATION

Registration
of Profes-
sional
Management
Practitioners.

8.—(1) Subject to rules made under Section 7 of this Act, a person shall be entitled to be enrolled or registered as a management practitioner if—

(a) he passes the qualifying examination accepted by the Council and completes the practical training prescribed by the Institute under this Act ; or

(b) he holds any other qualification accepted by the Institute for the time being ; or

(c) he qualifies for enrolment as member in any of the categories specified under Subsection 4 (a)-(d) of Section 1 of this Act.

(2) An applicant for registration shall, in addition to evidences of qualification, satisfy the Council that—

(a) he is of good character ;

(b) he has attained the age as prescribed in the Bye-Laws of the Institute ; and

(c) he has not been convicted in Nigeria or else where of an offence involving fraud or dishonesty.

(3) The Council shall, from time to time, publish particulars of qualification for the time being accepted by the Council for registration.

9.—(1) The Council may approve any institution for the purposes of this Act, and may for those purposes approve—

Approval of
qualifica-
tions, etc.

(a) any course of training at an approved institution which is intended for persons who are seeking to become or are already management practitioners and which the Council considers is designed to confer on persons completing it sufficient knowledge and skills for admission to the Institute ;

(b) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating in the opinion of the members of the Council that the candidates have sufficient knowledge and skill to practise the profession.

(2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Council shall—

(a) give notice that it proposes to withdraw such approval to each person in Nigeria appearing to the Council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be ;

(b) give each such person an opportunity of making to the Council representation with regard to the proposal ; and

(c) take into consideration any representations made in respect of the proposal.

(3) Any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument, and the Council shall—

(a) publish as soon as possible a copy of every such instrument in the print media ; and

(b) not later than seven days before its publication, send a copy of the instrument to the Minister.

10.—(1) It shall be the duty of the members of the Council to keep themselves informed of the nature of—

Supervision
of instruction
and
examinations
leading to
approved
qualifications.

(a) the instruction given at approved institution to persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted, and for the purposes of performing that duty the Council may appoint, either from

among its own members or otherwise, persons to visit approved institutions, or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this section to report to the Council on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;

(b) the sufficiency of the examination attended by him; and

(c) any other matters relating to the institution or examination on which the Council may, either generally or in a particular case, request him to report, but no Visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council may, if it thinks fit, and shall if so required by the Institute, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for examination to which the report relates requesting that person to make observation on the report to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

PART V—PROFESSIONAL DISCIPLINE

Establishment of Professional Management Disciplinary Tribunal and Professional Management Investigating Panel.

11.—(1) There is established a tribunal to be known as the Professional Management Disciplinary Tribunal (in this Act hereafter referred to as “the Tribunal”), which shall be charged with the duty of considering and determining any case referred to it by the Panel established by subsection (3) of this section, and any other case of which the tribunal has cognisance under this Act.

(2) The Tribunal shall consist of a Chairman of the Council and six other members appointed by the Council.

(3) There shall be a body, to be known as the Professional Management Investigation Panel (in this Act referred to as “the Panel”), which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a member has misbehaved in his capacity as a professional management practitioner, or should for any other reason be the subject of proceedings before the tribunal; and

(b) deciding whether the case should be referred to the Tribunal.

(4) The Panel shall be appointed by the Council and shall consist of two members of the Council and three registered members who are not members of the Council.

Third Schedule.

(5) The provisions of the Third Schedule to this Act, shall, so far as applicable to the Tribunal and Panel respectively, have effects with respect to those bodies.

(6) The Council may make rules or bye-laws not contained in this Act as to acts which constitute professional misconduct.

12.—(1) Where—

(a) a member is judged by the Tribunal to be guilty of infamous conduct in any professional respect ;

(b) a member is convicted, by any Court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not punishable with imprisonment) which in the opinion of the Tribunal is incompatible with the status of a professional management practitioner ; or

(c) the Tribunal is satisfied that the name of any person has been fraudulently registered ;

The tribunal may, if it thinks fit, give a direction reprimanding that person or ordering the Registrar to strike his name off the relevant part of the Register.

(2) The Tribunal may, if it thinks fit, defer its decision as to the giving of a direction until a subsequent meeting of the Tribunal; but—

(a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and

(b) no person shall be a member of the Tribunal for purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the Tribunal when the decision was deferred.

(3) For the purposes of subsection (1) (b) of this section, a person shall not be treated as convicted unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.

(4) When the Tribunal gives a direction under subsection (1) of this section the Tribunal shall cause notice of direction to be served on the person to whom it relates.

(5) The person to whom such a direction relates may, at any time within three months from the date of service on him of notice of the direction, appeal against the direction to the Court of Appeal and the Tribunal may appear as respondent to the appeal and , for the purpose of enabling direction to be given as to the costs of the appeal and of proceedings before the Tribunal, shall be deemed to be a party there to whether or not appears on the hearing of the appeal.

(6) A direction of the Tribunal under subsection (1) of this section shall take effect—

(a) where no appeal under this section is brought against the direction within the time limited for such an appeal, on the expiration of that time ;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution on the withdrawal or striking out of the appeal ;

(c) where such an appeal is brought and is not withdrawn or struck out if and when the appeal is dismissed and shall not take effect except in accordance with the provisions of this subsection.

Penalties for
unprofes-
sional
conducts, etc.

(7) A person whose name is removed from the Register in pursuance of a direction of the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

PART VI—MISCELLANEOUS AND GENERAL

Application of this Act to enrolled persons.

13. At the commencement of this Act, any person not a member of the former institute who, but for this Act, would have been qualified to apply for and obtain membership of the profession may, within the period of three months beginning with the date of commencement of this Act, apply for membership of the Institute in such manner as may be prescribed by rules made by the Council and if approved, he shall be enrolled or registered, as the case may be, according to his qualifications.

When a person is deemed a management practitioner.

14. A person shall be deemed as a professional management practitioner if, for consideration of remuneration received or to be received, and whether by himself or in partnership with any other person—

(a) he engages himself in the practice of management ;

(b) he renders professional service or assistance in or about matters of principle or detail relating to management or data; or

(c) he renders any other service which may by rules or Bye-Laws made by the Council designated as service constituting practice as a professional management practitioner.

Rules as to practising fees, etc.

15.—(1) The Council may make rules for—

(a) the training of suitable persons in management ;

(b) the licensing of people to be employed in management positions ;

(c) the fees to be paid by management practitioners ; and

(d) restrictions on the right to practise when all prescribed conditions have not been met.

(2) The Council may also make rules prescribing the amount and due date for payment of the annual subscription and for such purpose different amounts may be prescribed by the rules according to the grades of membership.

(3) Rules when made shall, if the Chairman of the Council so directs, be published in the print media.

Honourary membership

16. The Council shall be free to award honorary membership of the Institute to persons whom it considers worthy of such honour, on terms and conditions prescribed by the Council and approved by the Institute in the general meeting.

17. The Institute shall—

(a) provide and maintain a library comprising books and publications for the advancement of knowledge in management, and such other books and publications as the Council may think necessary for the purpose ;

(b) encourage research into management methods and allied subjects to the extent that the Council may from time to time consider necessary ;

(c) undertake regular study of the existing Management Information Services including the library system, internet and electronic mail services and related operations and evolve a state of the art technology driven Research, Publication and Management Information Services Centre ; and

(d) engage in the production and sale of materials, books and journals arising from its research and consultancy activities.

Provision of
Library
facilities, etc.

18.—(1) Any regulation made under this Act shall be published in the print media as soon as possible.

Regulations
and rules.

(2) Rules made for the purposes of this Act shall be subject to confirmation by the Institute at its next annual general meeting or at any special meeting of the Institute convened for the purpose, and if then annulled shall cease to have effect on the day after the date of annulment, but without prejudice to anything done in pursuance or intended pursuance of any such rules.

19.—(1) On the commencement of this Act—

(a) all property held on immediately before that day by or on behalf of the former institute shall, by virtue of this subsection and without further assurance, vest in the Institute and be held by it for the purposes of the Institute ;

(b) the former institute shall cease to exist; and

(c) subject to subsection (2) any act, matter or thing made or done by the former institute shall continue to have effect.

Transfer to
the Institute
of certain
property, etc.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer by this section to the Institute of the property of the former institute, and with respect to the other matters mentioned in that Schedule.

Second
Schedule.

20.—(1) If any person for the purposes of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular,
that person is guilty of an offence.

Offences.

(2) If, on or after the commencement of this Act, any person not a member of the Institute practises as a registered member of profession of management for or in expectation of reward, or takes or uses any name, title, addition or description implying that he is in practice as a registered member of the profession of management, he is guilty of an offence :

Provided that, in the case of a person falling within Section 4 of this Act—

(a) this subsection shall not apply in respect of anything done by him during the period of three months mentioned in that subsection ;

(b) if within that period he duly applies for membership of the Institute, then, unless within that period he is notified that his application has not been approved, this subsection shall not apply in respect of anything done by him between the end of that period and the date on which he is enrolled or registered or is notified.

(3) If, on or after the commencement of this Act, a registered member of the Institute holds himself out as, or takes or uses any name, title, addition or description implying that he is, a management practitioner, he is guilty of an offence.

(4) If the Registrar or any other person employed on behalf of the Institute wilfully makes any falsification in any matter relating to the Register, he is guilty of an offence.

(5) A person guilty of an offence under this section shall be liable—

(a) to summary conviction to a fine of an amount not exceeding ₦250,000.

(b) on conviction or indictment to a fine of an amount not exceeding ₦250,000 or to imprisonment for a term not exceeding two years, or both.

(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Interpreta-
tion.**

21. In this Act—

“Board” means the Board of Fellows ;

“Council” means the Council established as the governing body of the Institute under Section 3 of this Act ;

“enrolled” in relation to a fellow, a member, an associate member or an affiliate means registered in the part of the Register to fellow, member associate member or affiliate as the case may be ;

“Fees” includes annual subscriptions ;

“Institute” means the Nigerian Institute of Management established under section 1 of this Act ;

“Member” means the member of the Institute ;

“Minister” means the Minister or other Federal Officer in charge of Establishment and Management Matters ;

"President" and "Deputy President" means respectively the office holders under those names in the Institute ;

"Register" means the register maintained in pursuance of Section 6 of this Act ;

"Registrar" means the registrar of the Nigerian Institute of Management appointed under Section 6 (1) of this Act ;

"Tribunal" has the meaning assigned to it by Section 11 of this Act.

22. This Act may be cited as the Nigerian Institute of Management Act, 2003. Citation.

SCHEDULES

FIRST SCHEDULE

Section 3 (3)

SUPPLEMENTARY PROVISIONS RELATION TO THE COUNCIL

Qualification and Tenure of Office of Principal Officers of Council

1.—(1) Subject to the provision of this paragraph, every elected principal officer of the Council shall hold office for one year in the first instance and shall be eligible for re-election for a further term of one year in the same office beginning with the date of his appointment or election.

(2) An officer of the Institute who ceases to be a member shall, if he is also a member of Council, cease to hold office in the Council.

(3) An elected member may, by notice in writing under his hand addressed to the President, resign his office, and any appointed member may, likewise resign his office.

(4) A person who retires from or otherwise ceases to be an elected member of the Council because of expiration of his term of office shall be eligible again to become a member of the Council, and any appointed member may be re-appointed.

(5) A member of the council who has served for a full term of two (2) years shall at its meeting before the annual general meeting of the Institute retire. Provided always that if any such member as aforesaid is the Chairman of Council or the Deputy President of the Institute, he shall remain a member of Council.

(6) Elections to the Council shall be held in such manner as may be prescribed by rules made by the Council and, until so prescribed, they shall be decided by a secret ballot.

(7) If for any reason there is a vacation of office by a member and such member was elected, the Council may, if the time between the unexpired portion of the term of office and the next general meeting of the Institute appears to warrant the filling of the vacancy, co-opt some fit person for that time

(8) The appointment of members of the Council shall be effected in the manner herein prescribed—

(a) not less than eight weeks before each annual general meeting of the Institute, the Council may nominate for election to the Council, such candidates (if any) as it shall think fit, who are willing to serve if elected, provided that the number of candidates so nominated shall not exceed 50 per cent of those retiring ;

(b) not less than seven weeks before each annual general meeting of the Institute, the Secretary shall issue to all professional members a notice which shall—

(i) specify the names of elected Council members whose terms of office will expire at the close of the next annual general meeting ;

(ii) specify any other vacancy in the membership of the Council which may be filled by elected members ;

(iii) specify the names of any candidate nominated by Council for election to the Council ;

(iv) invite nominations of other candidates on the prescribed nomination form ; and

(v) contain such other particulars as shall be prescribed by the Council ; and

(c) candidates for election to Council, other than candidates nominated by the Council, shall be nominated in the following manner—

(i) not less than five weeks before each annual general meeting, nomination forms (including details of all particulars required to be given) shall be duly completed in the manner set out below and shall be sent to the secretariat of the Institute ;

(ii) each nomination form shall relate to one candidate only and shall contain his class and grade of membership in the Institute, his full-time managerial or other appointment (if any) or, if retired, such appointment immediately before retirement and his date of retirement; and such other particulars as shall be prescribed by the Council ;

(d) each candidate shall be sponsored by two persons who shall be members of the Institute entitled to vote and each nomination form shall contain, in addition to the particulars referred to in paragraph (c) a statement of the names, address, class and grade of membership of each of the sponsors and votes shall be taken by secret ballot at the Annual General Meeting.

Powers of Council

2.—(1) The Council has power to manage the Institute's business and in particular—

(a) shall do any thing which in its opinion is calculated to facilitate the carrying on of the activities of the Institute ;

(b) shall exercise all such powers of the Institute and do on behalf of the Institute all such act as may be exercised and done by the Institute and as are not those presents required to be exercised or done by the Institute in the general meeting; and subject to such bye-laws or provisions, as may be prescribed by the Institute in the general meeting; but no bye-law made by the Institute in general meeting shall invalidate any prior act of the Council which would have been valid if such

bye-law had not been made ;

(c) shall exercise all the powers of the Institute to borrow money, within Nigeria or overseas, subject to the banking laws of the Country and to mortgage or charge its undertaking and property or any part thereof and to issue the debentures, debenture stocks, and other securities whether outright or as security for any debt, liability or obligation of the Institute ;

(d) shall set up every year as soon as practical after the annual general meeting, an Executive Committee of Council which shall meet regularly and carry out the normal business of Council between the regular meetings of Council ; and

(e) may at any time establish a branch of the Institute in any locality within the country.

(2) The Council shall have power, from time to time, to make, alter and repeal any bye-law as they may deem necessary or expedient or convenient for the proper conducts and management of the Institute.

(3) The Council shall adopt such means as it shall deem sufficient to bring to the notice of the Institute and all its members Bye-laws, alterations and repeals made under the powers conferred by this Act and no bye-law shall be inconsistent with or shall affect or repeal anything contained in this Act or constitute such an amendment of or addition to this Act, and such bye-law is inconsistent with the provisions of this Bill, that bye-law shall be void to the extent of that inconsistency.

Proceedings of the Council

3.—(1) Subject to the provisions of this Act, and section 27 of the Interpretation Act, the Council may in the name of the Institute make standing orders regulating the proceedings of the Institute or of the Council, and in the exercise of its power under this Act may set up committees in the general interest of the Institute, and make standing orders thereof.

(2) Standing orders shall provide for decisions to be taken by a majority of the members, and, in the event of equality of votes, for the President or the Chairman, as the case may be, to have a second or casting vote.

(3) Standing orders made for a committee shall provide that the committee is to report back to the Council on any matter not within its competence to decide.

(4) The quorum of the Council shall be seven and the quorum of a committee shall be fixed by the Council.

(A) MEETINGS OF THE INSTITUTE

4.—(1) A General meeting of the Institute shall be held once in every calendar year as its Annual General Meeting, at such time and place as may be determined by the Council, provided that every Annual General Meeting after the first Annual General Meeting shall be held not more than fifteen months after the holding of the last preceding meeting.

(2) The Secretary shall also send to each member with such notice a copy of the annual report of the Council, a copy of accounts of the Institute with the auditors' reports thereon, and particulars of all motions to be brought before the meeting.

(3) The Council may direct that—

(a) all general meetings of the Institute which are not annual general meetings shall be called Extra-Ordinary General Meetings ;

(b) an Extra-Ordinary General Meeting whenever it thinks fit.

(c) an Extra-Ordinary General meeting shall be convened on request by members.

(4) A notice—

(a) may be served by the Institute upon any member of the Council, its Committees and the Institute either personally or by sending it through the post in prepaid letter addressed to such member at his address as appearing in the Professional Register of members or other records of members not being professional members ; and

(b) if served by post shall be deemed to have been served on the day following that on which the letter containing the same is put into the post and in proving such service ; and

(c) it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office as prepaid.

(5) A business shall be deemed special if it is transacted—

(a) in an Extra-ordinary meeting ; and

(b) at an Annual General Meeting with the execution of the consideration of the accounts and balance sheet, and the report of the Council and of auditors and the fixing of the remuneration of the auditors and the election of members of the Council.

(6) An Extra-Ordinary or Special Meeting of the institute shall be—

(a) called by a 21 days notice in writing and the Notice shall be exclusive of the day on which it is served or deemed to be served and of the day for which it is given and shall specify the place, the day, and the hour of the Meeting, and in case of business other than ordinary annual business of the Institute, the general nature of business ; and

(b) conveyed by the Secretary on the request of the President of the Institute or on request in writing by at least 100 financial members of which not less than 10 signatories are from each of Six Geo-Political Zones of Nigeria.

(7) A member wishing to bring before the Annual General Meeting any Motion not relating to the Ordinary annual meeting of the Institute may do so provided—

(a) that notice in writing of the proposed motion be sent or given to the Secretary and be received by him not later than 45 days before the date of the Annual General Meeting ;

(b) that not less than 10 members entitled to vote at the Annual General Meeting shall have sent or given notice in writing to the Secretary to be received by him not later than 30 days before the date of the Annual General Meeting expressing their

desire that the proposed motion be brought before the Annual General Meeting under the proposed motion relates to matters affecting the Institute.

(8) If within an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved and in any other case it shall stand adjourned to the same day or next day, at the same time and place, or at such other place as the Chairman of the meeting shall appoint, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.

(9) Quorum at General Meeting—No business shall be transacted at any general meeting. Until there is a quorum of two hundred members personally present.

(10) Voting at General Meeting shall take place after observing the following—

(a) except as provided in these rules regarding voting to elect members to fill vacancies on the Council, a resolution put to the vote at any annual general meeting or special meeting of the Institute, shall be decided on a show of hands unless (before or on the declaration of the show of hands) a poll is demanded by at least ten per cent of those present provided that the number arrived at is not less than five ;

(b) no amendment shall be permitted to any resolution to alter, amend or add to the rules and bye-laws of the Institute except with the consent of the Chairman of the meeting and then only if in the opinion of the Chairman (whose decision shall be final) the amendment is one of form only and not of substance ;

(c) if a secret ballot is duly demanded or is required to be taken, it shall be taken in accordance with the relevant Bye-Laws and the result of the secret ballot shall be deemed to be the resolution of the meeting at which the secret ballot is demanded ;

(d) except as provided in these rules regarding voting to elect members by ballot to fill vacancies in the Council, in the case of an equality of votes, whether on a show of hands or on a secret ballot, the Chairman of the meeting at which the show of hands take place or at which the poll is required to take place or at which the poll is required to be taken shall be entitled to second or casting vote ;

(e) a poll demanded on the election of Chairman or on any question of adjournment shall be taken and a poll demanded or required to be taken of any other question shall be taken at such time and place as the Chairman of the meeting directs and any business other than upon which a poll has been demanded or is required may be proceeded with pending the taking of the poll ; and

(f) on a show of hands or on a poll every member present in person shall (except as provided in the case of electing members to fill vacancies of the Council) have one vote.

(11) Each corporate member's voting power at any meeting of the Institute shall be vested in a single person entitled "Voting Representative", who, if he is a professional member of the Institute in his own right, may exercise his rights to vote as an individual member in addition to voting as a representative.

(B) MEETINGS OF THE COUNCIL

5.—(1) Subject to the provisions of any standing order or bye-law of the Council, the Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice in writing given to him by not less than five other members, he shall summon a meeting of the Council to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman, or in his absence the Deputy Chairman, shall preside, but if both are absent, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Council desires to obtain advice from any person on a particular matter, the Council may co-opt him as a member for such period as the Council thinks fit; but a person who is member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Council, and shall not count towards a quorum.

(4) Notwithstanding anything in the provisions of this paragraph, the first meeting of the Council after the commencement of this Act shall be summoned by the Minister, who may give such directions as he thinks fit as to the procedure which shall be followed at the meeting.

(C) COMMITTEES

6.—(1) The Council may appoint one or more committees to carry out, on behalf of the Institute or of the Council, such function as the Council may determine.

(2) A Committee appointed under this paragraph shall consist of the number of persons determined by the Council, and a person other than a member of the Council shall hold office in the Committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

(D) MISCELLANEOUS

7.—(1) The fixing of the seal of the Institute shall be authenticated by the signature of the President or of some other members of the Council authorised generally or specifically by the Institute to act for that purpose.

(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 executed on behalf of the Institute or of the Council as the case may require, by any person generally or specifically authorised to act for that purpose by the Council.

(3) Any document purporting to be duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

8. The validity of any proceeding of the Institute or the council or of a Committee of the Council shall not be affected by any vacancy in membership, or by any defect in

the appointment of a member of the Institute or of the Council or of a person to serve in the committee or by reason that a person not entitled to do so took part in the proceedings.

9. Any member of the Institute or the Council, and any person holding office in a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council on behalf of the Institute, or on behalf of the Council or a committee thereof, shall disclose his interest to the President or to the Council, as the case may be, and shall not vote on any question relating to that contract or arrangement.

10. A person shall not by reason only of his membership of the Institute be required to disclose any interest relating solely to the audit of the accounts of the Institute.

SECOND SCHEDULE

Section 19 (2)

TRANSITIONAL PROVISION AS TO PROPERTY, ETC.

Transfer of Property

1.—(1) Every agreement to which the former institute was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations there under could be assumed by the former institute, shall, unless its terms or subject matter make it impossible that it should have effects as modified in the manner provided by this Act so far as it relates to property be transferred by this Act to the Institute, as if—

(a) the Institute had been a party, to the agreement ;

(b) for any reference (however worded and whether expressed or implied) to the former institute they were substituted, as respect anything failing to be done on or after the commencement of this Act, a reference to the Institute ; and

(c) for any reference (however worded whether expressed or implied) to a member or members of the Council of the former institute or an officer of the association they were substituted, as respects anything failing to be done on or after the commencement of this Act, a reference to a member or members of the association who corresponds as nearly as may be to the member or officer in question of the association.

(2) Other documents which refer, whether specially or generally, to the former institute shall be construed in accordance with subparagraph (1) of this paragraph.

(3) Without prejudice to the generality of the provisions of this Schedule, where by the operation of any of them or of section of an Act, any right, liability or obligation vests in the Institute, the Institute and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and, in particular, the same

rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Institute.

(4) Any legal proceeding or application to any authority pending on the commencement by or against the former institute and relating to property transferred by this Act to the Institute may be continued on or after that day by or against the Institute.

(5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far it provided for alterations of a register (but not for avoidance of transfer, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property and it shall be the duty of the Council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer the transfer accordingly.

Transfer of Functions, etc.

2.—(1) At its first meeting, the Council of the Institute shall fix a date (not later than six months) after the commencement of this Act, for the annual general meeting of the Institute.

(2) The members of the Council of the former institute shall be deemed to be the members of the Institute until the date determined in pursuance of the sub-paragraph (1) when the Institute shall have its first annual general meeting, and they shall cease to hold office at the conclusion of such meeting.

(3) Any person who, immediately before the commencement of this Act, held office as the President or Deputy President of the former institute by virtue of its articles of association shall on that day become the President or as the case may be, the Deputy President of the Institute, and shall be deemed—

(a) to have been appointed to that office under this Act, corresponding to the relevant provision in the said articles of association; and

(b) to have been so appointed on the date on which he took the last office, in pursuance of the relevant provisions of those articles.

(4) The members of the former institute shall, as from the commencement of this Act, be registered as members of the Institute, and without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the commencement of this Act, was a member of the staff of the former Institute shall on that day become the holder of an appointment with the institute with the status designated and functions which correspond as nearly as may be to those which appertained to him in his capacity as member of that staff.

(5) Any person being an office-holder in the Council of the former Institute immediately before the commencement of this Act and being deemed under this

paragraph to have been appointed to any like position in the Institute, or the Council, and thereafter ceasing to hold office otherwise than by reason of his misconduct, shall be eligible for appointment to office in the Institute or to membership of the Council, as the case may be.

(6) All regulations, rules and similar instruments made for the purposes of the former institute which were in force immediately before the commencement of this Act, shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the Institute.

THIRD SCHEDULE

Section 11 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY TRIBUNAL AND INVESTIGATING PANEL

The Tribunal

1. The quorum of the Tribunal shall be four whom at least two shall be registered members.

2.—(1) The Chief Justice of Nigeria shall make rules as to the selection of members of the Tribunal for the purpose of any proceeding and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Tribunal.

(2) The rules shall particularly provide—

(a) for securing that notice of the proceeding shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings ;

(b) for determining who in addition to the person aforesaid, shall be a party to the proceedings ;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Tribunal ;

(d) for enabling any party to the proceedings to be represented by a legal practitioner ;

(e) subject to the provisions of section 12 of this Act, as to the cost of proceedings before the Tribunal ;

(f) for requiring, in the case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the tribunal adjudges that the allegation has been proved beyond reasonable doubt it shall record a finding that the person is guilty of such conduct in respect of the matters to which the allegation relates ; and

(g) for publishing in the print media notice of any direction of the Tribunal which has taken effect providing that a person's name shall be struck off a Register.

3. For the purpose of any proceeding before the Tribunal, any member of the Tribunal may administer oaths and any party to the proceedings may sue out of the Registry of the Supreme Court writs of subpoena and testificandum and duces tecum, but no person appearing before the Tribunal shall be compelled—

- (a) to make any statement before the Tribunal tending to incriminate himself; or
- (b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4.—(1) For the purpose of advising the Tribunal on questions of law arising in the proceedings before it, there shall, in all such proceedings, be an assessor to the Tribunal who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the function of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

- (a) that where an assessor advises the Tribunal on any question of law as to evidence, procedure or any other matter specified by the rule, he shall do so in the presence of every party or person representing a party to the proceedings who appears or, if the advice is tendered while the Tribunal is deliberating in private, that every such party or person shall be informed of the advice of the assessor on that a question ; and
- (b) that every such person as shall be informed if in any case the Tribunal does not accept the device of the assessor on that question.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceeding or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

The Panel

5. The quorum of the Panel shall be three.

6.—(1) The Panel may, at any meeting of the Panel attended by the members of Panel, make standing order with respect to the Panel.

(2) Subject to the provisions of any such standing order, the Panel may regulate its own procedure.

Miscellaneous

7.—(1) A person ceasing to be a member of the Tribunal or the Panel on the expiration of his term of office may be eligible for reappointment as a member of that body.

(2) A person may, if eligible, be a member of both the Tribunal and the Panel, but no person who acted as a member of the Panel with respect to any case shall act as a member of the Tribunal with respect to that case.

8. The Tribunal or the Panel may act notwithstanding any vacancy in its membership ; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to paragraph 7 (2) of this schedule) by reason of the fact any person who was not entitled to do so took part in the proceedings of that body.

9. Any document authorised or required by virtue of this Act to be served on the Tribunal or the Panel shall be served on the Registrar.

10. Any lawful or reasonable expense of the Tribunal or the Panel shall be defrayed by the Institute.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly
17th, June, 2003

EXPLANATORY MEMORANDUM

This Act establishes the Nigerian Institute of Management to be charged with the responsibility for registration of persons seeking to become management practitioners in Nigeria.

It also provides for adequate disciplinary measures against members for unprofessional conduct including cancellation of practitioners' membership.

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SCHEDULE TO THE NIGERIAN INSTITUTE OF MANAGEMENT (ESTABLISHMENT) BILL, 2003

(1)	(2)	(3)	(4)	(5)
<i>Short Title of the Bill</i>	<i>Long Title of the Bill</i>	<i>Summary of the Contents of the Bill</i>	<i>Date passed by Senate</i>	<i>Date passed by House of Representatives</i>
The Nigerian Institute of Management (Establishment) Bill 2003.	An Act to Establish the Nigerian Institute of Management ; and for Related Matters.	<p>This Bill seeks to establish the Nigerian Institute of Management to be charged with the responsibility for registration of persons seeking to become management practitioners in Nigeria.</p> <p>It further seeks to provide for adequate disciplinary measures against members for unprofessional conduct including cancellation of practitioners' membership.</p>	22-10-2002	15-5-2003

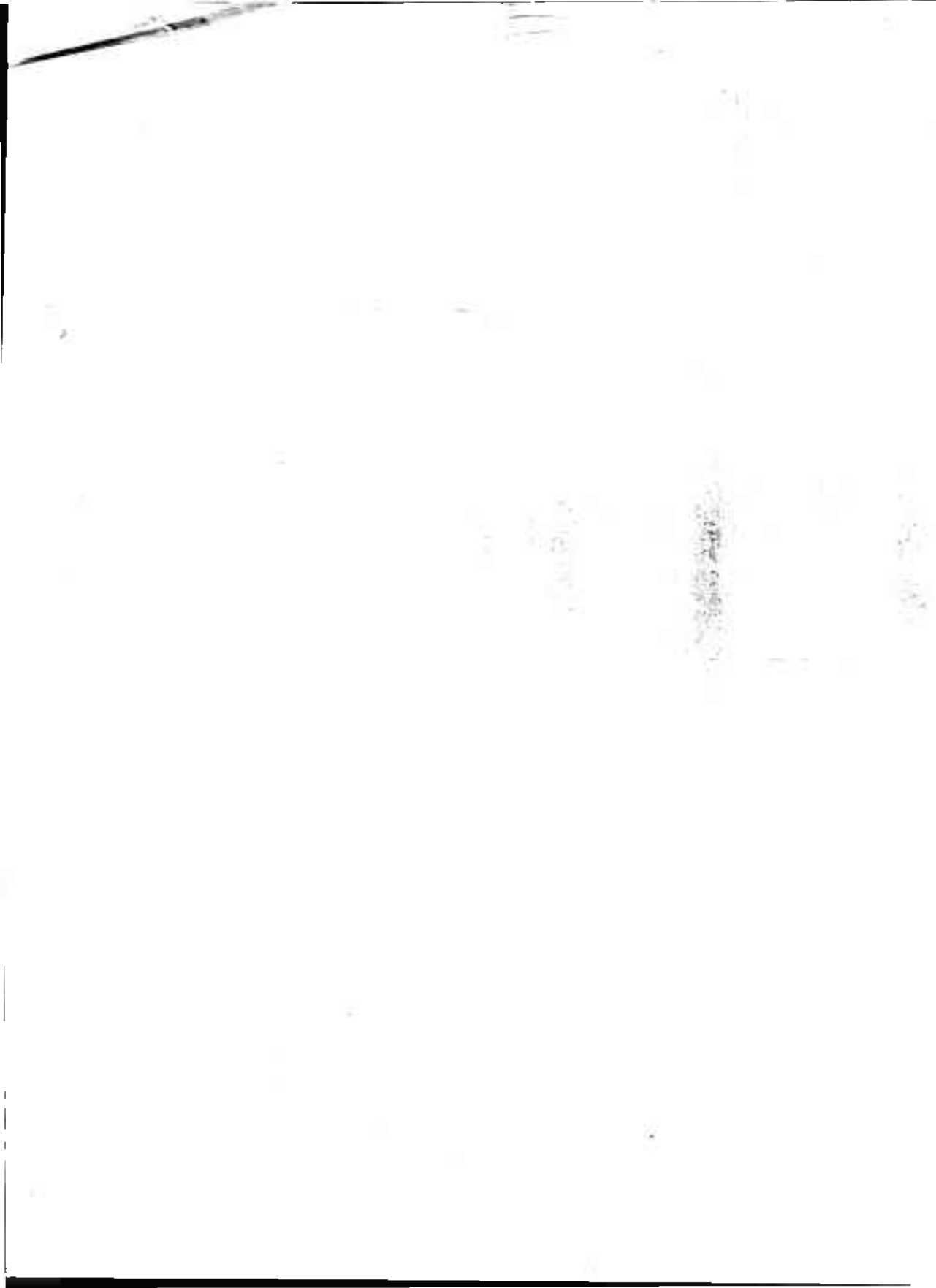
I certify, that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
 17th June, 2003

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
 19th June, 2003



SCHEDULE TO THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA (NUMBER OF JUDGES) BILL, 2003

(1)	(2)	(3)	(4)	(5)
<i>Short Title of the Bill</i>	<i>Long Title of the Bill</i>	<i>Summary of Contents of the Bill</i>	<i>Date passed by Senate</i>	<i>Date passed by House of Representatives</i>
The High Court of the Federal Capital Territory, Abuja (Number of Judges) Bill, 2003.	An Act to prescribe the number of Judges of the High Court of the Federal Capital Territory, Abuja ; and for Related Matters.	<p>This Bill seeks to prescribe the number of Judges of the High Court of the Federal Capital Territory, Abuja to a maximum of 37 Judges as permitted by Section 255 (2) (b) of the 1999 Constitution.</p> <p>It also makes the application of the principle of "Federal Character" mandatory in the appointment of such Judges in compliance with Section 14 (3) of the 1999 Constitution.</p>	17-10-2002	15-5-2003

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. 4, Laws of the Federation of Nigeria 1990.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
 17th June, 2003

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
 19th June, 2003

**SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY
(ESTABLISHMENT) ACT, 2003**



ARRANGEMENT OF SECTIONS

**PART I—ESTABLISHMENT AND GOVERNING BOARD OF SMALL AND
MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY**

SECTION :

1. Establishment of Small and Medium Scale Industries Development Agency.
2. Establishment and Membership of the Governing Board.
3. Schedule.
4. Tenure of office, etc.
5. Removal of members from office.
6. Emoluments, etc.
7. Disclosures of interest.

PART II—FUNCTIONS AND POWERS OF THE AGENCY

8. Functions of the Agency.
9. Powers of the Agency.

PART III—STAFF OF THE AGENCY

10. Director-General
11. Other employees of the Agency.
12. Pensions, Cap.346 Laws of the Federation of Nigeria 1990.

PART IV—FINANCIAL PROVISIONS

13. Funds of the Agency.
14. Expenditure of the Agency.
15. Annual Estimates and Accounts.
16. Annual Reports.
17. Power to accept Gift.
18. Power to borrow.
19. Investment, Cap. 449 Laws of the Federation of Nigeria 1990.
20. Exemption from Tax.

PART V—LEGAL PROCEEDINGS

21. Limitations of suit against the Agency, etc. Cap. 379 Laws of the Federation of Nigeria 1990.
22. Service of Documents.
23. Restriction on Execution against Property of the Agency.
24. Indemnity of Officers.
25. Secrecy.
26. Directive by the Minister, etc.
27. Regulations.
28. Interpretation.
29. Citation.

SCHEDULE.

**SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY
(ESTABLISHMENT) ACT, 2003**

2003 ACT No. 16

AN ACT TO ESTABLISH THE SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY TO BE CHARGED WITH THE RESPONSIBILITY FOR PROMOTING AND FACILITATING THE DEVELOPMENT PROGRAMMES IN THE SMALL AND MEDIUM SCALE INDUSTRIES SUB-SECTORS AND FOR CONNECTED PURPOSES

[19th June, 2003]

Commence-
ment.

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

**PART I.— ESTABLISHMENT AND GOVERNING BOARD OF SMALL AND MEDIUM SCALE
INDUSTRIES DEVELOPMENT AGENCY**

1.—(1) There is established an agency to be known as the Small and Medium Scale Industries Development Agency (in this Act referred to as "the Agency")

Establishment
of Small and
Medium Scale
Industries
Development
Agency.

(2) The Agency :

(a) shall be a body corporate with perpetual succession and a common seal ;
and

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

2.—(1) There is established for the Agency a Governing Board consisting of a Chairman and six other part-time Members to be appointed by the President.

Establish-
ment and
Membership
of the
Governing
Board.

(2) The appointment of the seven part-time members shall be made from the 6 geo-political zones.

(3) the following are ex-officio members of the Board—

- (a) (i) the Federal Ministry of Industry ;
 - (ii) the Federal Ministry of Science and Technology ;
 - (iii) the National Planning Commission ;
 - (iv) the Agricultural or Industrial Research Institutes ;
 - (v) the Indigenous Fabricators and Manufacturers of Machinery ;
 - (vi) the Federal Ministry of Finance ;
 - (vii) the Development Banks for Small and Medium Scale Industries ;
 - (viii) the Bank of Industry ;
 - (ix) the Manufacturers' Association of Nigeria ; and
 - (x) the National Association of Small Scale Industries (NASSI) ; and
- (b) the Director-General of the Agency.

(4) There shall be a Secretary to the Board who shall be appointed by the Board.

3. 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 therein.

Schedule.

Tenure of
Office, etc.

4. The Chairman and members of the Board, other than ex-officio members :

(a) shall hold office for a period of 4 years on such terms and conditions as may be specified in their letter of appointment ; and

(b) may be re-appointed for another period of 4 years and no more.

Removal of
members
from Office,
etc.

5.—(1) Notwithstanding the provisions of section 4 of this Act, a member may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member of the Board.

Emoluments,
etc.

6. A member of the Board shall be paid such emoluments, allowances and benefits as the Minister may, with the approval of the President, from time to time, approve.

Disclosure of
Interest.

7.—(1) A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board or is interested in any contract made or proposed to be made by the Agency shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) of this section shall be recorded in the Minutes of Meetings of the Board and members concerned shall :

(a) not, after the disclosure, take part in any deliberation or decision of the Board ; and

(b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision with regard to the subject matter in respect of which his interest is so disclosed.

PART II—FUNCTIONS AND POWERS OF THE AGENCY

Functions of
the Agency.

8. The Agency shall be responsible for :

(a) initiating and articulating ideas for small and medium scale industries policy thrusts.

(b) serving as a vanguard agency and focal point for rural industrialisation, poverty alleviation and eradication, technology acquisition and adaptation, job creation and sustainable livelihood.

(c) promoting and facilitating development programmes, instruments and support services to accelerate development, modernisation, networking and linkage of small and medium scale industries ;

(d) mobilising internal and external resources, including technical assistance for small and medium scale industries, their support institutions, trade associations, and non-governmental organization ;

(e) overseeing, co-ordinating and monitoring development in the small and medium industries sub-sector ;

(f) designing, packaging and promoting cottage and micro small and medium scale industrial projects ;

(g) providing industrial extension services to small and medium scale industries, fabricators of machinery and beneficiaries of micro-credit loans ;

(h) establishing liaison between research institutes, local fabricators and small and medium scale industries ;

(i) linking small scale industrialists to sources of finance, technology, technical skill development and management ;

(j) facilitating and promoting and development of standard designs and quality assurance for machinery and equipment, and commercialising them to end-users ;

(k) promoting and providing access to industrial infrastructure, including estates and layouts, and incubators ;

(l) providing necessary assistance to small and medium scale industries in the marketing of their products ;

(m) promoting ancillarisation, sub-contracting, clustering and networking relationship ;

(n) providing and promoting strategic linkages within small and medium scale industries ;

(o) encouraging and promoting strategic linkages within small and medium scale industries, and between small and medium scale industries and large scale industries ;

(p) establishing and co-ordinating the institutional development and activities of Industrial Development Centres in Nigeria ;

(q) collaborating with the Agricultural Research and Mechanisation Centres and Agro-industrial Schemes in Nigeria ;

(r) liaising with external agencies for support and development of small and medium scale industries in Nigeria ;

(s) listing products that small and medium scale industries have substantial internal capacities to manufacture to meet domestic market for Federal Government's patronage and deletion or restriction on the schedule of importable goods ;

(t) recommending to the Federal Government, from time to time, in consultation with other relevant agencies and organizations, on applicable tax and tariff regimes and other financial incentives for promoting the development of small and medium scale industries ;

(u) monitoring the implementation of and compliance with Federal Government directives, incentives and facilities for development of small function of the Agency in order to promote government policies in or outside Nigeria ;

(v) carrying out such other activities connected with or incidental to the other functions of the Agency in order to promote government policies in or outside Nigeria ;

(w) provision of and facilitating technical and managerial training to small and medium scale industries.

**Powers of the
Agency.**

9.—(1) In pursuance of Section 8 of this Act, the Agency shall have power to :

(a) demand and obtain relevant information, data and reports on activities relating to the promotion and development of small and medium scale industries from banks, research and development institutions and other support organisation ;

(b) enter into joint-venture arrangement and draw up memorandum of understanding and agreement with relevant institutions and organisations for the promotion and development of small and medium scale industries ; and

(c) do such other things as are necessary for the successful performance of its function under this Act.

PART III—STAFF OF THE AGENCY

**Director-
General.**

10.—(1) There shall be for the Agency, a Director-General who shall be appointed by the President on the recommendation of the Minister.

(2) The Director-General shall be the Chief Executive of the Agency and be responsible for the execution of the policy and the day-to-day administration of the Agency.

(3) The Director-General shall hold office :

(a) for a term of five years in the first instance and may be re-appointed for a further term of five years and no more ; and

(b) on such terms and conditions as may be specified in his letter of appointment.

**Other
employees of
the Agency.**

11.—(1) The Board shall appoint for the Agency, such officers and other employees as it may, from time to time deem necessary for the purpose of the Agency ;

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the agency shall be as determined by the Board with the approval of the Minister.

**Pensions and
Gratuities.
Cap. 346
LFN 1990.**

12.—(1) The service in the Agency shall be approved service for the purpose of the Pensions Act and accordingly, employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

(2) Notwithstanding the provisions of this Act, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Act,

any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations under section 23 of the Pension Act, is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

PART IV—FINANCIAL PROVISIONS

13. The Agency shall establish and maintain a fund into which shall be paid and credited :

Funds of the
Agency.

- (a) the take-off grant from the Federal Government ;
- (b) annual subvention from the Federal Government ;
- (c) loans and grant-in-aid from national, bilateral and multilateral agencies ;
- (d) rents, fees and other internally generated revenues from services provided by the Agency ; and
- (e) all other sums accruing to the Agency, from time to time.

14. The Agency may, from time to time, with the approval of the Board, apply the proceeds of the fund established in pursuance of section 13 of this Acts.

Expenditure
of the
Agency.

- (a) to the cost of administration of the Agency;
- (b) to the paying of the emoluments, allowances and benefits of members of the Board and for reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board.
- (c) to the payment of the salaries, fees or other remuneration and benefits or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency ;
- (d) for the development and maintenance of any property vested in or owned by the Agency ; and
- (e) for and in connection with all or any of its functions under this Act or in such other securities as may, from time to time, be approved by the Minister.

15.—(1) The Agency shall, not later than 31st August in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Agency fund) for the next succeeding years.

Annual
estimates
and
accounts.

(2) The Agency shall keep proper records in relation to those accounts in respect of each year and shall cause its accounts to be audited within six months after the end of each year by auditor appointed from the list in accordance with guidelines supplied by the Auditor-General of the Federation.

16. The Agency shall prepare and submit to the Federal Executive Council, through the Minister, not later than six months after the end of each year report in such form as he may direct on the activities of the Agency during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Agency for that year and the auditor's report on the accounts.

Annual
reports.

Power to
accept Gift.

17.—(1) The Agency may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Agency and the provisions of Independent Corrupt Practices and Allied Offences Commission Act 2000.

Power to
borrow.

18.—(1) The Agency may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Act.

(2) The Agency shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Minister and in consultation with Central Bank of Nigeria.

Investment
Cap. 449 LFN.

19. The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time be approved by the Minister.

Exemption
from tax.

20.—(1) The Agency shall be exempted from the payment of Income Tax on any income accruing from investment made by the Board for the Agency or otherwise.

(2) The provisions of any enactment relating to the taxation of companies on trust fund shall not apply to Agency or the Board.

PART V.—LEGAL PROCEEDING

Limitations
of suits
Against the
Agency, etc
Cap. 379
LFN.

21.—(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 Agency.

(2) Notwithstanding anything contained in any other enactment, the suit against a member of the Board or the Director-General or any other officer or employee of the Agency for any act done in pursuance or execution of this Act or any other enactment or law, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act, shall lie or be instituted in any court unless it is commenced :

(a) within three months next after the act, neglect or default complained of ; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board or the Director-General or any other officer or employee of the Agency before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

22. A notice, summons or other document required or authorised to be served on the Agency under the provisions of this Act or any other enactment or law may be served by delivering it to the Director-General or at the principal office of the Agency.

Service of documents.

23.—(1) In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency unless not less than thirty days' notice of the intention to execute or attach has been given to the Agency.

Restriction on Execution against Property of the Agency.

(2) Any sum of money which by the judgment of any court has been awarded against the Agency shall, subject to any direction given by the court where notice of appeal against the judgment has been given, be paid from the fund of the Agency.

24. A member of the Board or the Director-General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employee of the Agency.

Indemnity of Officers.

25.—(1) A member of the Board or the Director-General or any officer or employee of the Agency shall secrecy.

Secrecy.

(a) not, for his personal gain, make use of any information, which has come to his knowledge in the exercise or is obtained by him in the ordinary course of his duty as a member of the Board or as the Director-General, officer or employee of the Agency ;

(b) treat as confidential any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duties under this Act ;

(c) not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may be prescribed by the Board, from time to time.

(2) Any person who contravenes the provision of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than, ₦50,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

26. The Minister may give to the Agency or the Director-General such directives of general nature or relating generally to matters of policy with regard to the exercise of its or his functions as he may consider necessary and it shall be the duty of the Agency or the Director-General to comply with the directive or cause them to be complied with.

Directive by the Minister, etc.

27. The Agency may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.

Regulations.

Interpreta-
tion.

28. In this Act, "Agency" means the Small and Medium Scale Industries Development Agency established under section 1 of this Act.

"Board" means the governing Board established for the Agency under section 2 of this Act.

"Minister" means the Minister charged with the responsibility for Industries as are defined by the National Council on Industry as Small and Medium Scale Industries.

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

Citation.

29. This Act may be cited as the Small and Medium Scale Industries Development Agency Act, 2003.

SCHEDULE

Section 3

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC
PROCEEDINGS OF THE BOARD

1. Subject to section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its committees. Cap. 192 LFN.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of them to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the Chairman or, in appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule and other members provided that at least one third of the total membership of the Board are present.

4. The Board shall for the purpose of this Act, meet not less than three times in each year and the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than five 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.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

6.—(1) subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Agency is concerned. Committees.

(2) A committee appointed under this paragraph shall—

(a) consist of such number of persons (not necessarily members of the Board, as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment, and

(b) be presided over by a member of the Board.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.

(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

7. The fixing of the seal of the Agency shall be authorised by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Director-General. Miscellaneous.

8. Any contract or instrument which, if made 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 Agency by the Director-General or by any other person generally authorised by the Board to act for that purpose.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of the membership of the Board or of any of its Committees shall not be affected by—

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

11. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.

12. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Agency.

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003

EXPLANATORY MEMORANDUM

This Act establishes the Small and Medium Scale Industries Development Agency to be charged with the responsibility for promoting and facilitating the development programmes in the Small and Medium Scale Industries sub-sectors.

By establishing the Agency, the Act further enhances and supports services to accelerate rural development, poverty alleviation and eradication.



SCHEDULE TO THE SMALL AND MEDIUM SCALE INDUSTRIES DEVELOPMENT AGENCY (ESTABLISHMENT) BILL, 2003

(1)	(2)	(3)	(4)	(5)
<i>Short Title of the Bill</i>	<i>Long Title of the Bill</i>	<i>Summary of the Contents of the Bill</i>	<i>Date passed by Senate</i>	<i>Date passed by House of Representatives</i>
Small and Medium Scale Industries Development Agency (Establishment) Bill, 2003.	An Act to Establish the Small and Medium Scale Industries Development Agency to be charged with the responsibility for promoting and facilitating the development programmes in the small and medium scale Industries sub-sectors ; and for connected purposes.	<p>This Bill seeks to establish the Small and Medium Scale Industries Development Agency to be Charged with the responsibility for promoting and facilitating the development programmes in the Small and Medium Scale Industries sub-sector.</p> <p>By establishing the Agency the Bill further seeks to enhance and support services to accelerate rural development, poverty alleviation and eradication.</p>	25-2-2003	12-3-2003

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. 4, Laws of the Federation of Nigeria 1990.

I ASSENT.



IBRAMIM SALIM, CON
Clerk to the National Assembly
 17th June, 2003

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
 19th June, 2003

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THE EDUCATION TAX FUND (AMENDMENT) ACT, 2003



ARRANGEMENT OF SECTIONS

SECTION :

1. Amendment of No. 40 1998
2. Amendment of section 4
3. Citation.

THE EDUCATION TAX FUND (AMENDMENT) ACT, 2003

2003 ACT No. 17

AN ACT TO FURTHER AMEND THE EDUCATION TAX FUND
(AMENDMENT) ACT, 1998 ; AND FOR RELATED MATTERS

[19th June, 2003]

Commence-
ment.

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

1. The Education Tax Fund Act, 1993 (in this Act referred to as "the Principal Act"), as amended, is further amended as set out in this Act.

Amendment
of No. 40
1998.

2. Section 4 (1) of the Principal Act is substituted for the following new subsection—

Amendment
of Section
4.

"4. —(1) There is established for the management of the Fund an Education Trust Fund Board of Trustees (in this Act referred to as "the Board of Trustees") which shall consist of—

- (a) a chairman ;
- (b) six persons each representing the six geo-political zones of the country ;
- (c) the Accountant-General of the Federation ;
- (d) a representative of—
 - (i) the Minister of Education,
 - (ii) the Vice-Chancellors of the Nigerian Universities,
 - (iii) Rectors of the Polytechnics in Nigeria,
 - (iv) Provosts of the Colleges of Education in Nigeria,
 - (v) the National Chamber of Commerce, Industry, Mines and Agriculture (NCCIMA),
 - (vi) the Manufacturers Association of Nigeria (MAN),
 - (vii) the Academic Staff Union of Universities (ASUU),
 - (viii) the Academic Staff Union of Polytechnics (ASUP),
 - (ix) the Colleges of Education Academic Staff Union (COEASU),
 - (x) the National Union of Teachers (NUT),
 - (xi) the Association of Nigerian Principals of Secondary Schools (ANCOPS),
- and
- (xii) the Executive Secretary of the Fund who shall serve as the Secretary".

3. This Act may be cited as the Education Tax Fund (Amendment) Act, 2003.

Citation.

I certify, in accordance with Section 2(1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003

EXPLANATORY MEMORANDUM

This Act further amends the Education Tax Fund Act No. 40 1998 by clearly specifying and widening the scope of the membership of the Board of Trustees of the Education Tax Fund.

It also provides for a more effective compliance with the principle of Federal Character.

SCHEDULE TO THE EDUCATION TAX FUND (AMENDMENT) BILL, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by House of Representatives</i>
The Education Tax Fund (Amendment) Bill, 2003.	An Act to further amend the Education Tax Fund (Amendment) Act, 1998 ; and for Related Matters	<p>This Bill seeks to further amend the Education Tax Fund Act No. 40 1998 by clearly specifying and widening the scope of the membership of the Board of Trustees of the Education Tax Fund.</p> <p>It also provides for a more effective compliance with the principle of Federal Character.</p>	17th October, 2003	15th May, 2002.

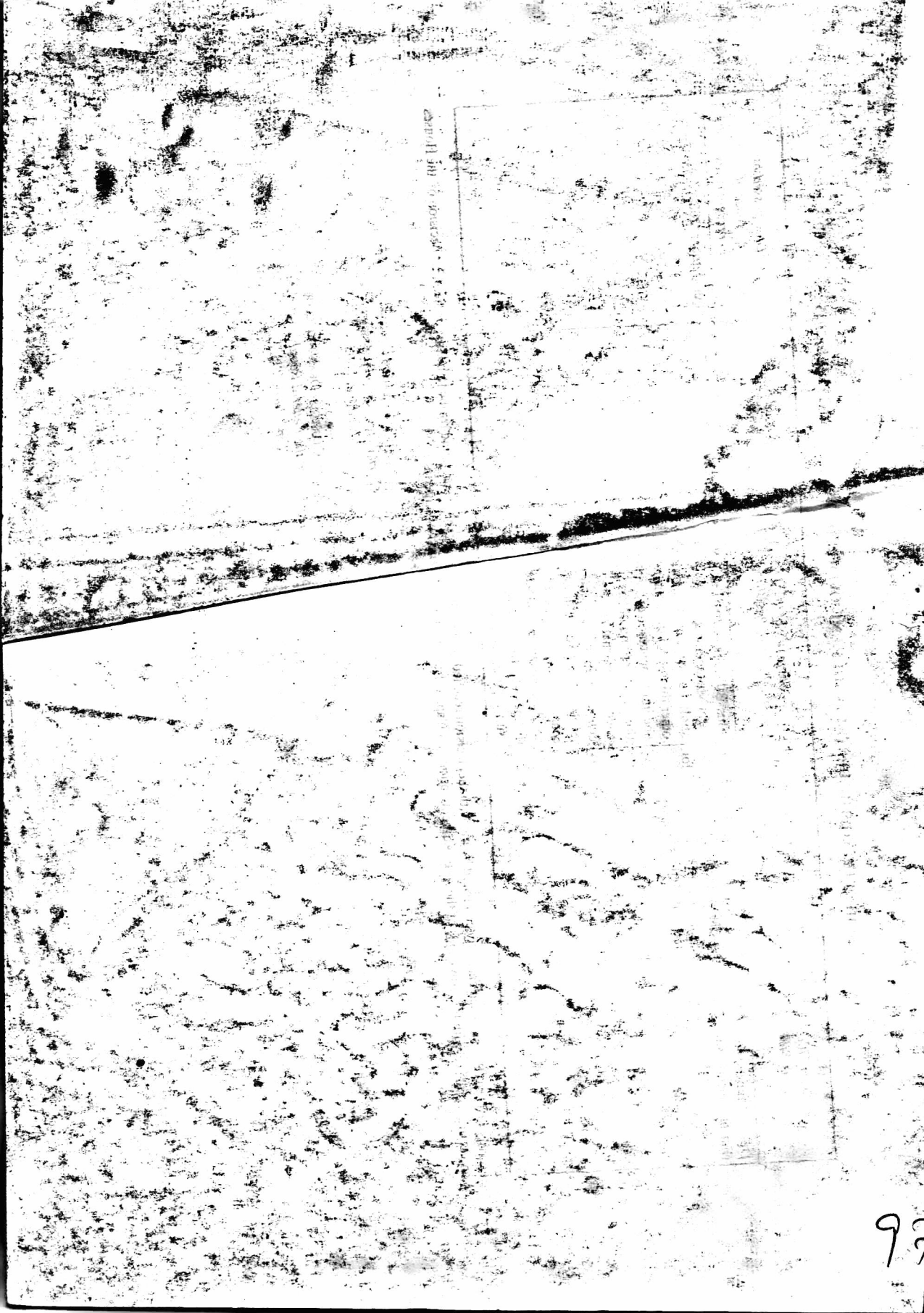
I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria, 1990.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003.

CHIEF OLUSEGUN OBASANJO,
President of the Federal Republic of Nigeria
19th June, 2003.



SCHEDULE TO THE DEBT MANAGEMENT OFFICE (ESTABLISHMENT) BILL, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by House of Representatives</i>
Debt Management Office (Establishment) Bill, 2003	An Act to Provide for the Establishment of the Debt Management Office ; and for Related Matters	This Bill seeks to establish the Debt Management Office which shall be responsible, among other things, for the preparation and implementation of a plan for the efficient management of Nigeria's external and domestic debt obligations at sustainable levels compatible with desired economic activities for growth, development and participate and in negotiations aimed at realizing these objectives.	5th March, 2003	30th October, 2002.

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. 4, Laws of the Federation of Nigeria, 1990.

I ASSENT.



IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003.

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
19th June, 2003.

(4) The validity of any proceeding of the Board or of a committee shall not be adversely affected by—

- (a) a vacancy in the membership of the Board or committee ; or
- (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. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON
Clerk to the National Assembly
17th June, 2003

EXPLANATORY MEMORANDUM

This Act establishes the Debt Management Office which shall be responsible, among other things, for the preparation and implementation of a plan for the efficient management of Nigeria's external and domestic debt obligations at sustainable levels compatible with desired economic activities for growth, development and participation in negotiations aimed at realizing these objectives.

SCHEDULE

Section 5(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1.—(1) Subject to this Act and Section 27 of the Interpretation Act, 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, the Vice-Chairman or the person presiding at the meeting and 3 other members of the Board, and the quorum of any committee of the Board shall be determined by the Board.

2.—(1) The Board shall meet not less than four times in each year and subject thereto, 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 4 other members, he shall summon a meeting of the Board to be held within 28 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 Vice-Chairman shall preside at the meeting and if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

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

Committees

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 shall be of no effect until it is confirmed by the Board.

Miscellaneous

4.—(1) The fixing of the seal of the Office shall be authenticated by the signatures of the Chairman or any person generally or specifically authorized by the Board to act for that purpose and that of the Director-General.

(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 Office by the Director-General or any person generally or specifically authorized by the Board to act for that purpose.

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

(3) The determination of a court of law, tribunal or other authority or person made in any proceeding or cause of action referred to in subsection (2), may be enforced by or against the office to the same extent that the proceeding, cause of action or determination could have been continued, commenced or enforced by or against that Ministry or Extra-Ministerial Department as if this Act had not been made.

Validation of
appointments.

32. The appointment of officers and employees made by the Office prior to the commencement of this Act shall be deemed to have been validly made under this Act and the existing rights of such officers shall, by virtue of this Section, be preserved.

Regulations.

33. The Board may, with the approval of the Minister, make regulations for the operation of this Act, including the issuance of—

(a) guidelines for obtaining external loans by the Federal Government or any of its agencies ;

(b) guidelines for guarantees with regard to external loans by a State Government or any of its agencies ;

(c) guidelines for the approval by the Minister in respect of lending to public bodies ; and

(d) guidelines on any other matter as the Board may deem fit in each circumstance.

Consequential
Repeals.

Cap. 47 LFN
1990.

Cap. 37 LFN
1990.

34. The provisions of—

(a) Section 34, of the Central Bank Act, as amended ; and

(b) the Borrowing by Public Bodies Act, are hereby consequentially repealed.

PART VIII—MISCELLANEOUS

28.—(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 Office.

Limitations
of suit
against the
Office, etc
Cap 379
LFN 1990

(2) Notwithstanding anything contained in any other law or enactment no suit shall lie or be instituted in any court against any member of the Board, the Director-General or any other officer or employee of the Office for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duty or authority in respect of any alleged neglect or default in the execution of this Act or such other law or enactment, duty or authority unless—

(a) it is commenced within 3 months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board, the Director-General, officer or employee of the Office before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Office by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this Section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

29. A notice, summons or other documents required or authorized to be served upon the Office under this Act or any other law or enactment may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Office.

Service of the
documents.

30.—(1) In any action or suit against the Office, no execution or attachment of process in the nature thereof shall be issued against the Office.

Restriction
on execution
against
property
of the
Office.

(2) Any sum of money which may by the judgment of any court be awarded against the Office shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the fund of the Office.

31.—(1) As from commencement of this Act, the powers of any Ministry or Extra-Ministerial Department over the management of any debt, referred to in Section 6 of this Act shall by virtue of this Act and without further assurance, be vested in the Office established by this Act and in accordance with the provisions of this Act.

Transitional
provisions,
etc

(2) Accordingly, any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against any such Ministry or Extra-Ministerial Department over the management of any debt in respect of any right, interest, obligation or liability in relation to the management of a debt referred to in Section 6 of this Act may be continued or commenced, as the case may be, by or against the Office, as if the Office had been a party thereto.

(4) The National Assembly shall, by resolution, decide whether or not the grant or loan should be made.

Loan receipts
to form part
of the
Consolidated
Revenue Fund
of the
Federation.

26.—(1) Any monies received in respect of any loan contracted by the Federal Government shall be—

(a) paid into and form part of the Consolidated Revenue Fund of the States ;

(b) paid into any other public fund of the State either existing at the time or created for the purpose of the loan ; and

(c) applied solely for the purpose for which it was obtained and in accordance with the terms and condition of the agreement under which it was obtained.

(2) Any monies received in respect of any guaranteed loan on behalf of a State Government shall be—

(a) paid into and form part of the Consolidated Revenue Fund of the state ;

(b) paid into any other public fund of the State either existing at the time or created for the purpose of the loan ; and

(c) applied solely for the purpose for which it was obtained and in accordance with the terms and condition of the agreement under which it was obtained.

(3) Where any amount has become paid out of the monies credited to the Consolidated Revenue Fund of the Federation or of a State or other public funds under subsection (1) or (2) of this Section, the amount shall be deemed to be a charge on the Consolidated Revenue Fund of the Federation or of a State, as the case may be, or such other public funds into which the monies have been paid.

Terms and
conditions
for loans and
guarantees.

27.—(1) The National Assembly may by a resolution approve, from time to time, standard terms and conditions for the negotiation and acceptance of external loans and issuance of guarantees.

(2) Where the National Assembly has approved the terms and conditions under Subsection (1) of this Section, any agreement entered into by the Federal Government shall come into operation without further reference to the National Assembly; where the terms and conditions are in conformity with the approval.

(3) Notwithstanding the provisions of Subsection (2) of this Section, the National Assembly may by a resolution request that a particular agreement shall be brought before it for further approval.

(4) No agreement in respect of which the approval of the National Assembly is required shall come into operation without such approval.

(5) An approval shall be deemed granted if after 30 days the approval has not been formally communicated to the Minister.

(a) determine—

(i) the amounts and timings for the issuance of Federal Government short-term and medium-term securities in the Nigerian money market ;

(ii) the repayment or roll-over of existing or maturing issues ;

(iii) the appointment of underwriters to the issues specified in sub-paragraph (i) of paragraph (a) of this subsection to ensure their success ;

(iv) the floatation of Federal Government long-term securities to raise appropriate funds in the capital market ;

(v) the payment of interest, maintenance of a register of holders and redemption of securities at maturity ;

(vi) the creation and management of sinking funds to provide for the redemption of securities at maturity ;

(b) in collaboration with the Central Bank of Nigeria and the Accountant-General of the Federation, determine any other form of securities that may be created, issued or floated to achieve the domestic debt management objectives of the Federal Government ;

(c) review and advise on the maintenance of statutory limits for all categories of loans or debt instruments at levels compatible with economic activities required for sustainable growth and development in collaboration with the Central Bank of Nigeria and the Accountant-General of the Federation ; and

(d) liaise or cooperate with other State Governments or other relevant institutions within or outside Nigeria for the realization of the objectives of the office.

(2) The Office, for the purpose of achieving the objectives specified in this Section, may maintain accounts with the Central Bank of Nigeria as may be deemed necessary.

24. All banks and financial institutions requiring to lend money to the Federal, State and Local Governments or any of their agencies shall obtain the prior approval of the Minister.

Lending to
the Federal
Government,
etc.

25.—(1) Approvals for grants or loans to a foreign state or any international body or any of its agencies may be granted in accordance with the procedure specified in this Section.

Approval for
grants or
loans to a
foreign state,
etc.

(2) Applications for grants or loans to a foreign state may be submitted by the President to the National Assembly and may be approved subject to such terms and conditions as may be prescribed by a resolution of the National Assembly.

(3) An application specified in Subsection (2) of this Section shall indicate the—

(a) foreign policy objectives underlining the request or proposal ;

(b) terms and conditions of the grant or loan ;

(c) benefits which Nigeria stands to derive from the grant or loan ; and

(d) State of the relations existing between the foreign state or international body and Nigeria at the time of the request or proposal.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of the National Assembly.

IBRAHIM SALIM, CON.
Clerk to the National Assembly
17th June, 2003

EXPLANATORY MEMORANDUM

This Act prescribes the number of Judges of the High Court of the Federal Capital Territory, Abuja to a maximum number of 37 Judges as permitted by Section 255 (2) (b) of the 1999 Constitution.

This Act also makes the application of the principle of "Federal Character" mandatory in the appointment of such Judges in compliance with Section 14 (3) of the 1999 Constitution.

**THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA
(NUMBER OF JUDGES) ACT, 2003**

2003, ACT No. 15

AN ACT TO PRESCRIBE THE NUMBER OF JUDGES OF THE HIGH COURT OF THE FEDERAL
CAPITAL TERRITORY, ABUJA; AND FOR RELATED MATTERS.

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

(19th June, 2003)

- | | |
|--|--|
| 1. The High Court of the Federal Capital Territory, Abuja, shall consist of— | Commence-
ment. |
| (a) a Chief Judge of the High Court of the Federal Capital Territory, Abuja ; and
(b) a maximum number of thirty-seven Judges of the Court. | |
| 2. The principle of "Federal Character of Nigeria" shall be applied in the appointment of judges of the Court provided that nothing in this Act shall affect or negate the proceeding of the Court by reason only that the number of judges of the Court remains at anytime below thirty-seven. | Number of judges of the High Court of the Federal Capital Territory.

Federal Character in the appointment of Judges, etc. |
| 3. In the event of a conflict between the provisions of this Act and those of the High Court Law of Northern Nigeria, 1963, the provisions of this Act shall prevail and the relevant provisions of the said High Court Law in so far as they affect the Federal Capital Territory shall be deemed repealed to the extent of the conflict. | Cap. 49 LNN, 1963. |
| 4. In this Act— | Interpreta-
tion. |
| "Constitution" means the Constitution of the Federal Republic of Nigeria, 1999 ; | |
| "Court" means the High Court of the Federal Capital Territory, Abuja established by Section 255 of the Constitution ; | |
| "Federal Character of Nigeria" has the meaning assigned to it in section 318 of the Constitution. | |
| 5. This Act may be cited as the High Court of the Federal Capital Territory, Abuja (Number of Judges) Act, 2003. | Citation. |

**THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
ABUJA (NUMBER OF JUDGES) ACT, 2003.**



ARRANGEMENT OF SECTIONS

SECTION :

1. Number of Judges of the High Court of the Federal Capital Territory.
2. Federal Character in the appointment of Judges, etc.
3. Cap. 49 LNN, 1963.
4. Interpretations.
5. Citation.

151

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the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Annual
Report.

18. The Board shall prepare and submit to the Minister not later than 30th June in each year, a report in such form as the Minister may direct on the activities of the Office during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Office for that year and the auditors report thereon.

PART VI—EXTERNAL BORROWING, ETC.

External
borrowing.

19.—(1) The Office shall annually advise the Federal Government on the financing gap for the succeeding financial year and the amounts to be borrowed for bridging the gap both internally and externally.

(2) Any advice issued by the Office under Subsection (1) of this Section shall, among other things, form the basis of the national borrowing programme for the succeeding financial year as may be approved by the National Assembly.

(3) The Office shall participate in the negotiation and acquisition of such loans and credit referred to in Subsection (1) of this Section.

Execution of
external loan
agreements.

20. An Agreement entered into for the purpose of Subsection (1) of Section 19 of this Act shall, subject to the provisions of this Section, be executed for and on behalf of the Federal Government by the Minister or by such other person as the Minister may, from time to time and in writing, designate for that purpose.

Approval
of
National
Assembly.

21.—(1) No external loan shall be approved or obtained by the Minister unless its terms and conditions shall have been laid before the National Assembly and approved by its resolution.

(2) The Federal, State Government or any of their agencies shall not obtain any external loan except with a guarantee issued by the Minister.

PART VII—FEDERAL GOVERNMENT GUARANTEE, ETC.

Government
guarantee etc.

22.—(1) The Federal Government may, subject to the provisions of this Section, guarantee external loans.

(2) A guarantee agreement for external loans shall be executed on behalf of the Federal Government by the Minister or any other person designated by him in writing.

(3) The Minister shall not guarantee an external loan unless the terms and conditions of the loan shall have been laid before the National Assembly and approved by its resolution.

(4) Where any money is due to be paid by the Federal or a State Government in satisfaction of any obligation arising from a borrowing or a guarantee by the Minister, that money shall be deemed to be a charge on the Consolidated Revenue Fund of the Federation or the Consolidated Revenue Fund of the State, as the case may be.

Internal
borrowing.

23.—(1) Subject to the provisions of Section 7 of this Act in collaboration with the Central Bank of Nigeria, the Office shall—

PART V—FINANCIAL PROVISIONS

14.—(1) There is established for the Office a fund from which shall be defrayed all expenditure incurred by the Office.

Establishment of a fund for the office.

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

(a) any allocation to the Office from the Consolidated Revenue Fund of the Federation ;

(b) such moneys as may, from time to time, be granted or lent to the Office by the Federal, a State Government or a Local Government ;

(c) all moneys raised for the purposes of the Office by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise ; and

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

(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 Office 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 Office shall apply the proceeds of the Fund to—

Expenditure of the Office.

(a) the cost of administration of the Office ;

(b) the payment of salaries, fees, remunerations, allowances, pensions and gratuities payable to the members of the Board and the employees of the Office ;

(c) the payment for all consultancies, contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration ;

(d) the payment for all purchases ; and

(e) undertaking such other activities as are connected with all or any of the functions of the Office under this Act.

16.—(1) The Office may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

Gifts to the office.

(2) The Office shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Office under this Act.

17.—(1) The Board shall, not later than 30th September in each year, submit to the Minister an estimate of the expenditure and income of the Office during the next succeeding year.

Annual estimates and expenditures.

(2) The Board shall cause to be kept proper accounts of the Office in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from

(a) appoint either on transfer or on secondment from any public service in the Federation, such number of employees as may, in the opinion of the Board, be required to assist the Office in the discharge 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 National Salaries and Wages Commission, determine.

Staff
regulations.

11.—(1) The Board may make staff regulations relating generally to the conditions of service of the employees of the Office and without prejudice to the generality of the foregoing, such regulations may provide for—

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Office ; and

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

and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Office.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister and when so approved they need not be published in the Federal Gazette but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

Service in the
office to be
pensionable
Cap. 346
LFN.

12.—(1) Service in the Office shall be approved service for the purposes of the Pensions Act.

(2) The officers and other persons employed in the Office shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section 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 Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23 is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

Establishment
of the
Management
Team.

13. There shall be for the Office a management team which shall comprise the Director-General and the heads of departments of the Office and it shall be responsible for the implementation of the policies of the Board and the day-to-day administration of the Office.

(c) supervise the operation of the development fund under the Finance (Control and Management) Act, as amended.

7. The Office shall have power to—

Powers of the Office.

(a) issue and manage Federal Government loans publicly issued in Nigeria upon such terms and conditions as may be agreed between the Federal Government and the Office ;

(b) issue, from time to time, guidelines for the smooth operation of the debt conversion programme of the Federal Government ; and

(c) do such other things which in the opinion of the Board relate to the management of the external debts of the Federal Government.

8. The Board shall—

Functions of the Board.

(a) approve policies, strategies and procedures to be adopted by the Office for the achievement of its objectives ;

(b) review, from time to time, the economic and political impact of domestic and external debt management strategies ;

(c) appoint, as and when necessary, technical committees comprised of persons with requisite technical competence from the private or public sector to advise the Office on such matters as may be determined from time to time ;

(d) recommend, for the approval of the President, members of the Debt Conversion Committee ; and

(e) perform such other functions as may, from time to time, be necessary to achieve the objectives of the Office.

PART IV—STAFF

9.—(1) There shall be for the Office, a Director-General, who shall be appointed by the President on the recommendation of the Board.

Appointment of the Director-General.

(2) The Director-General shall—

(a) not be below the rank of a Permanent Secretary in the Civil Service of the Federation ;

(b) hold office for a period of 5 years in the first instance and may be re-appointed for another term of 5 years and no more ;

(c) be responsible to the Board for policy direction and day-to-day administration of the Office ; and

(d) hold office on terms and conditions as may be determined by the Board or as may be contained in his letter of appointment.

10.—(1) The Board shall appoint for the Office such other number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Office.

Appointment of other staff of the office.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Office shall be as determined by the Board after consultation with the National Salaries and Wages Commission.

(3) The Board shall have power to—

Schedule.

(2) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters therein.

PART III—FUNCTIONS OF THE OFFICE, ETC.

Functions of
the Office.

6.—(1) The Office shall—

(a) maintain a reliable database of all loans taken or guaranteed by the Federal or State Governments or any of their agencies ;

(b) prepare and submit to Federal Government a forecast of loan service obligations for each financial year ;

(c) prepare and implement a plan for the efficient management of Nigerian's external and domestic debt obligations at sustainable levels compatible with desired economic activities for growth and development ; and participate in negotiations aimed at realizing those objectives ;

(d) verify and service external debts guaranteed or directly taken by the Federal Government ;

(e) on agency basis, service external debts taken by State Governments and any of their agencies: where such debts are guaranteed by the Federal Government ;

(f) set guidelines for managing Federal Government financial risks and currency exposure with respect to all loans ;

(g) advise the Federal Government on the re-structuring and re-financing of all debt obligations ;

(h) advise the Minister on the terms and conditions on which monies, whether in the currency of Nigeria or in any other currency, are to be borrowed ;

(i) submit to the Federal government, for consideration in the annual budget, a forecast of borrowing capacity in local and foreign currencies ;

(j) prepare a schedule of any other Federal Government obligations such as trade debts and other contingent liabilities, both explicit and implicit, and provide advice on policies and procedures for their management ;

(k) establish and maintain relationships with international and local financial institutions, creditors and institutional investors in Government debts ;

(l) collect, collate, disseminate information, data and forecasts on debt management with the approval of the Board ;

(m) carry out such other function, which may be delegated to it by the Minister or by an Act of the National Assembly ; and

(n) perform such other functions which in the opinion of the Office are required for the effective implementation of its functions under this Act.

(2) Notwithstanding the provisions of subsection (1) of this section, the Office shall—

(a) administer the debt conversion programme of the Federal Government ;

(b) perform the functions of the Minister with regard to the development fund rules ; and

DEBT MANAGEMENT OFFICE (ESTABLISHMENT) ACT, 2003

2003 ACT No. 18

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE DEBT
MANAGEMENT OFFICE ; AND FOR RELATED MATTERS

[1st August, 2000]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria

PART I— PRELIMINARY

1. This Act may be cited as the Debt Management Office (Establishment, etc.) Act 2003. Short title.

2. This Act is deemed to have come into force on 1st August, 2000.

3. In this Act—

Interpretation.

"Board" means the supervisory Board of the Office established under Section 2 of this Act ;

"Debt" includes domestic and external debts ;

"Loans" includes both internal and external borrowing ;

"Minister" means the Minister charged with responsibility for finance ;

"Office" means the Debt Management Office established under Section 1 of this Act ;

"Public bodies" includes the Federal, State and Local Governments or their agencies and parastatals.

PART I— ESTABLISHMENT OF THE DEBT MANAGEMENT OFFICE, ETC.

4.—(1) There is established a body to be known as the Debt Management Office (in this Act referred to as "the Office") which—

Establishment
of the Debt
Management
Office.

(a) shall be a body corporate with perpetual succession and a common seal ;

(b) may sue and be sued in its corporate name ; and

(c) may acquire hold and dispose of property whether moveable or immovable.

5.—(1) There is established for the office a supervisory board (in this Act referred to as the "Board") which shall consist of—

Establishment
and
composition
of the
Supervisory
Board.

(a) the Vice-President of the Federal Republic of Nigeria who shall be the Chairman ;

(b) the Minister of Finance who shall be the Vice-Chairman ;

(c) the Attorney-General of the Federation ;

(d) the Chief Economic Adviser to the President ;

(e) the Governor of the Central Bank of Nigeria ;

(f) the Accountant-General of the Federation ; and

(g) the Director-General of the Office who shall be the Secretary to the Board.

PART VII—FEDERAL GOVERNMENT GUARANTEE, ETC.

22. Government guarantee, etc.
23. Internal borrowing.
24. Lending to the Federal Government, etc.
25. Approval for grants or loans to a foreign state, etc.
26. Loan receipts to form part of the Consolidated Revenue fund of the Federation.
27. Terms and conditions for loans and guarantees.

PART VIII—MISCELLANEOUS

28. Limitations of suit against the office, etc Cap. 379 LFN 1990.
29. Service of documents.
30. Restriction on execution against property of the Office.
31. Transitional provision, etc.
32. Validation of appointments.
33. Regulations.
34. Consequential Repeals.

**DEBT MANAGEMENT OFFICE
(ESTABLISHMENT, (ETC.) ACT, 2003**



ARRANGEMENT OF SECTIONS

SECTION :

PART I—PRELIMINARY

1. Short title.
2. Commencement.
3. Interpretation.

PART II—ESTABLISHMENT OF THE DEBT MANAGEMENT OFFICE, ETC.

4. Establishment of the Debt Management Office.
5. Establishment and composition of the Supervisory Board.

PART III—FUNCTIONS OF THE OFFICE, ETC.

6. Functions of the office.
7. Powers of the office.
8. Functions of the Board.

PART IV—STAFF

9. Appointment of the Director-General.
10. Appointment of other staff of the office.
11. Staff regulations.
12. Services in the office to be pensionable. Cap. 346 LFN 1990.
13. Establishment of the Management Team.

PART V—FINANCIAL PROVISIONS

14. Establishment of a fund for the office.
15. Expenditure of the office.
16. Gifts to the office.
17. Annual estimates and expenditure.
18. Annual report.

PART VI—EXTERNAL BORROWING, ETC.

19. External Borrowing.
20. Execution of external loan agreements.
21. Approval of National Assembly.