

A BILL FOR AN ACT TO ESTABLISH THE NIGERIA MINES RANGER SERVICE (NMRS) TO PREVENT, COMBAT ILLEGAL MINING, ARTISANAL MINING AND OTHER CRIMES AND FOR OTHER RELATED MATTERS, 2023 (SB253)

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Commencement

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

PART 1 - ESTABLISHMENT AND GOVERNING BOARD OF THE SERVICE

1. (1) There is established the Nigeria Mines Ranger Service (NMRS) (in this Bill referred to as "the Service)", which shall consist of such number of volunteers and regular members as may, from time to time, be recruited under the provisions of this Bill.

(2) The Service-

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

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

(c) Shall have its Headquarters in the Federal Capital Territory, Abuja; and

(d) Shall have offices in all the States of the Federation, Local Government Areas and Area councils.

Establishment and Governing Board of the Service

2. (1) The Immigration and Prisons Services Board established under the Immigration and Prisons Services Board Act 1986, as amended, shall be the Governing Board of the Service and shall, subject to this Bill, have general control of the Service.

Schedule

(2)The supplementary provisions set out in the Schedule to this Bill shall, in addition to the provisions contained in the Immigration and Prisons Services Board Act 1986, have effect with respect to the proceedings of the Board under this Bill and the other matters contained therein.

Governing Board:

PART II - FUNCTIONS OF THE SERVICE, ETC

3. (1)The Service shall-

(a) Prevent and Combat illegal mining and artisanal mining ;

(b) Investigate, Arrest and hand over to the police for further investigation and prosecution of any person who is suspected to be involved or involved in any criminal activities within the mining sector; and

(c) any other matter as may be directed by the Minister.

(2) For the Purpose of efficiently carrying out the functions set out in subsection (1) of this section, the Service shall maintain an Armed Squad which shall be entitled to bear fire arms and deployed by the office of the Commandant-General.

Functions of the Service

4. (1) The Board shall be responsible for-

(a)providing the general policies and guidelines relating to major expansion programmes of the Service;

(b)the overall management and general administration of the Service;

(c)recruiting volunteers and regular members of the Service;

(d)organizing basic development and refresher courses for members of the Service; and

(e) Fixing, with the approval of the Minister, the terms and conditions of service of members and employees of the service, including their remuneration.

(2)The Board shall have power to do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Service.

Powers of the Board-

PART III - MEMBERSHIP AND ZONAL COMMANDS OF THE SERVICE

5. (1) The Service shall consist of such number of volunteers and regular members as may, from time to time, be recruited by the Board to meet the requirements of the Service.

(2)Members of the Service shall be made up of such officers and other ranks as the Board may, from time to time, determine.

Membership of the Service -

PART IV - STAFF OF THE SERVICE

6. (1)There shall be for the Service a Commander-General who shall be appointed by the President and subject to confirmation by the Senate.

(2)The Commander-General shall hold office-

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

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

Commander- General of the Service -

7. (1)The Board shall appoint for the Nigeria Mines Ranger Service such number of Deputy Commanders-General, Assistant Commanders-General, Commanders and such officers and other ranks and employees as it may, from time to time, deem necessary for the purposes of the Service.

(2)The terms and conditions of service (including remuneration, allowances, benefits and pensions) of regular members and employees of the Service shall be as determined by the Board using same criteria as Immigration and Prisons Services with the approval of the Minister.

(3)The volunteers of the Nigeria Mines Ranger Service shall, for any period they are on duty for the Service, be paid such allowances and other benefits as may be approved by the Minister.

Deputy Commanders-General, etc. and other employees of the Service-

8. (1) The service in the Service shall be approved service for the purposes of the Pension Reform Act, 2014 accordingly, regular members and employees of the Nigeria Mines Ranger Service shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Reformed Act, 2014.

Notwithstanding the provisions of sub(1) of this clause, nothing in this Bill 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.

(2)For the purposes of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Federal Government, other than the power to make regulations under clause 23 of the Bill, is hereby vested in and shall be exercisable by the Service and not by any other person or authority.

Pension Reform Act,2014

PART V - FINANCIAL PROVISIONS-

9. The Service shall establish and maintain a fund into which shall be paid and credited-

(a)all subventions and budgetary allocation from the Federal Government; and

(b) all the sums accruing to the Service, from time to time.

Funds of The Service -

10. The Service may, from time to time, apply the proceeds of the Fund established in clause 11 of this Bill-

(a) to the cost of administration of the Service;

(b) to the payment of salaries, fees, or other remuneration or allowances, gratuities payable to the officers and other employees of the Service, so that no payment of any kind under this paragraph (except such as may be expressly authorized) shall be made to any person who is in receipt of emoluments from the Federal, State Government or Local Government;

(c) for the maintenance of any property vested in the Service; and

(d) for and in connection with all or any of its functions under this Bill.

Expenditure of the Service-

11. (1) The Service shall, not later than 31st October in each year, submit to the Minister an estimate of its income and expenditure (including payments to the Service Fund) during the next succeeding year.

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

Annual Estimates and Accounts-

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

Annual Report -

13. (1) The Service 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 Service shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions of the Service.

Power to accept gift-

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

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

(3)Notwithstanding sub (2) of this clause, where the sum to be borrowed is in foreign currency, the service shall not borrow the sum without the prior approval of the Minister.

Power to borrow-

15. The Service may, subject to the provisions of this Bill 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.

Investment-

16. (1) The Service shall be exempted from the payment of any income tax on any income accruing from investments made by the Board for the Service.

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

Exemption From Tax -

PART VI – DISCIPLINE

17. A Service member who-

(a)performs his duties in contravention of the objects of the Service;

(b)takes part in any subversive activities, including mutiny and disturbance of public peace;

(c)abets, incites, conceals or condones the commission of any offence;

(d)takes part in an illegal assembly of persons with intention to breach public peace, destroy property or assault any person or group of persons;

(e)having knowledge that an offence or any illegal act is about to be committed, fails to inform his superior officer;

(f)takes part in a strike or any unrest; and

(g)offers violent assault on his superior officer;

Commits an offence and is liable on conviction to imprisonment for a term of not less than one year.

Discipline of a Service Member

PART VII- LEGAL PROCEEDINGS

18. (1) Subject to the provisions of this Bill, the provisions of the Public officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Service.

(2) Notwithstanding anything contained in any other enactment, no suit against any member of the Board or the Commander-General or any other officer or employee of the Service for any act done in pursuance or execution of this Bill or any other enactment or law, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Bill or any other enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced-

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

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

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

(4)The notice referred to in sub (3) of this clause shall clearly and explicitly state-

(a)the cause of action;

(b)the particulars of claim;

(c)the name and place of abode of the intending plaintiff; and

(d)the relief which the plaintiff claims .

Limitation of Suits against the Service etc

19. A notice, summons or other document required or authorized to be served on the Service under the provisions of this Bill or any other enactment or law may be served by delivering it to the Commander-General or by sending it by registered post and addressed to the Commander-General at the principal office of Service.

Service of Documents-

20. In any action or suit against the Service, no attachment or process shall be issued against the Service except as provided under the Sheriffs and Civil Process Act.

Restriction on execution against property of the Service

21. A member of the Board or the Commander-General or any officer or employee of the Service shall be indemnified out of the assets of the Service 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, Commander-General, officer or other employee of the Service.

Indemnity of officers-

22. (1) A member of the Board or the Commander-General or any other officer or employee of the Service shall-

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

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

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

(2) A person who contravenes the provisions of sub(1) of this clause commits an offence and is liable on conviction to a fine of not less than N200,000 or imprisonment for a term not exceeding two years.

Secrecy-

23. (1) For the purpose of carrying out the functions conferred on the Service under this Bill, the Commander-General or any other officer or employee of the Service authorized in that behalf-

(a) shall have a right of access to all the records of any person or authority affected by this Bill for the specific purpose of discharging his duties under this Bill; and

(b) may by notice in writing served on any person or premises, require that person or authority to furnish information on such matters as may be specified in notice.

(2) The person or authority served with the notice under sub (1) shall furnish information as required under sub (1) of this clause and comply with the notice within a reasonable time.

Power to obtain information-

24. (1) The body known as the Nigeria Unity and Peace Corps (in this clause referred to as the "Dissolved Group") existing before the commencement of this Bill is dissolved.

(2) Accordingly, there shall be vested in the Service immediately at the commencement of this Bill and without further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were in the Dissolved Group.

(3)As from the commencement of this Bill-

(a)all rights, interests, obligations and liabilities of the Dissolved Corps existing immediately before the commencement of this Bill under any contract or instrument, or at law or in equity, shall by virtue of this Bill be assigned to and vested in the Service;

(b) Any contract or instrument as mentioned in paragraph (a) of this clause shall be of the same force and effect against or in favour of the Service and shall be enforceable as fully and effectively as if, instead of the Dissolved corps, Service had been named therein or had been a party thereto; and

(c) the Service shall be subject to all obligations and liabilities to which the Dissolved Group was subject immediately before the commencement of this Bill, and all other persons shall, as from the commencement of this Bill have the same rights, power and remedies against the Service as they had against the Dissolved Nigeria Unity and Peace Corps immediately before the commencement of this Bill.

(4) A proceeding or cause of action pending or existing immediately before the commencement of this Bill by or against the Dissolved Group in respect of any right, interest, obligations or liability of the Dissolved Group may be commenced, continued or enforced by or against the Service as if this Bill has not been made.

(5)Notwithstanding the provisions of this Bill, but subject to such directions as may be issued by the Service, a person who immediately before the commencement of this Bill was a volunteer or regular member of or held office in the Dissolved Corps shall be deemed to have been transferred to the Service on terms and conditions not less favourable than those obtain immediately before the commencement of this Bill, and service in the Dissolved Corps shall be deemed to be service in the Service for the purposes of pension.

(6)All regular officers of the Group before dissolution shall retain their ranks and positions immediately this Bill takes effect.

Dissolution of Existing Nigeria Unity and Peace Corps

25. (1) The Minister may give to the Service or the Commander- General such directives-
(a) of a general nature or relating generally to matters of policy with regard to the exercise of its functions; or

(b) With respect to the maintenance and securing of public safety and order, as he may consider necessary, and the Service or the Commander-General shall comply with the directives or cause them to be complied with.

(2) Subject to the provisions of sub (1) of this clause, a Governor of a state may give to a state commander such directives with respect to the maintenance and securing of public safety and order in the mining areas within the state as he may consider necessary and it shall be the duty of the state commander to comply with the directives or cause them to be complied with.

Directives by the Minister etc-

26. The Service may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effects to the provisions of this Bill and for the due administration of its provisions.

Regulations.

27. In this Bill-

"Board" means the Immigration and Prisons Service Board 1986 No.14 established under the Immigration and Prison Services Board Act 1986;

"Minister" means the Minister charged with responsibility for matters relating to interior;

"Service" means the Nigeria Mines Ranger Service (NMRS) established under clause 1 of this Bill.

Interpretation-

28. This Bill may be cited as the Nigeria Mines Ranger Service Bill, 2023.

Citation-

SCHEDULE

Clause 2(2)

ADDITIONAL SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC

PROCEEDINGS

1. (1)The Board shall, for the purpose of this Bill, meet not less than three times in each year.

(2)The board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by a notice given to him by not less than five other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(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 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.

COMMITTEES

2.(1)The Board may appoint one or more committees to carry out, on behalf of the Board, its functions under this Bill as the Board may determine.

(2)A committee appointed under this paragraph shall 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 in the committee in accordance with the terms of his appointment.

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

MISCELLANEOUS

3. (1) The fixing of the seal of the Service shall be authenticated by the signature of the Chairman or any other person authorized generally or specifically to act for that purpose by the Board and the Commander-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 Board by the Commander-General or any person generally or specially authorized to act for the purpose by the Board.

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

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Nigeria Mines Ranger Service (NMRS), for the prevention and Combating of Illegal and artisanal mining; and other related activities within the Nigeria.