



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

ORDER PAPER

Friday, 17 December, 1999

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1. Prayers
 2. Oaths
 3. Announcements (*if any*)
 4. Petitions (*if any*)
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ORDERS OF THE DAY

Report of the Joint Committee on the Bill for an Act to Prohibit and Punish Bribery and Corruption of or by Public Officers and other Persons, 1999 (*Committee of Whole*) — *Adjourned Debate, 16 December, 1999.*

Provisions in the Original Bill

Committee Recommendation

*Amendment(s) Proposed
by Members*

PREAMBLE

This Law may be cited as the Prohibition and Punishment of Bribery, Corruption and other related offences Act, 1999 and shall come into force on the day of 1999.

INTERPRETATION

2. In this Act, unless the context otherwise provides—

“Commission” means the Independent Anti-Corruption Commission established under section 3 of this Act;

“Agent” means any person employed by or acting for another, and includes an officer of a public body or an officer serving in or under any public body, a trustee, an administrator or executor of the estate of a deceased person, a sub-contractor, and any person employed by or acting for such trustee, administrator, executor, or sub-contractor;

"Associate", in relation to a person includes any person who is an employee, agent, nominee or representative, trustee, firm or incorporated company known to act subject to the directives or influence of such person.

"Bank" means a bank, a finance company, a merchant bank, or a discount house, licensed under the Banks and other Financial Institution Decree, or any other financial institution established or licensed under any other written law;

"Banker's Book" includes ledgers, day books, cash books, account books and all other books and documents or electronic devices used in the ordinary course of business of a bank;

"Business" means any activity carried on for the purpose of gain or profit and includes all property derived from or used in or for the purpose of carrying on such activity, and all the rights and liabilities arising from such activity;

"Corruption" includes bribery, fraud and other related offences;

"Dealing" includes—

(a) any purchase, sale, loan, charge, mortgage, lien, pledge, caveat, transfer, delivery, assignment, subrogation, transmission, gift, donation, trust, settlement, deposit, withdrawal, transfer between accounts, or extension or credit;

(b) Any agency or grant of power of attorney; and

(c) any act which results in any right, interest, title or privilege, whether present or future or whether vested or contingent, in the whole of or in part any property being conferred on any person;

"Chairman" means the chairman of the Commission appointed under section 3(3) of this Act;

"Financial Institutions" means any body or institution which carries on any banking business or financial transactions whether lawfully or unlawfully as defined in the Banks and other Financial Institutions Decree;

"Gratification" means—

(a) Money, donation, gift, loan, fee, reward, valuable security, property or interest in property being property of any description

whether movable or immovable, or any other similar advantage, given or promised to a public officer with intent to influence such officer in the performance or non performance of his duties.

(b) Any office, dignity, employment, contract or employment or services and any agreement to give employment or render services in any capacity;

(c) Any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

(d) any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;

(e) any forbearance to demand any money or money's worth or valuable thing;

(f) any other service or favour of any description, such as protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not, already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and

(g) any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the preceding paragraphs (a) to (f);

"Local Government" has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

"Monetary Instrument" includes coin or currency of Nigeria or of any other country, travellers' cheque, personal cheque, bank cheque, money order, investment security or negotiable instrument in bearer form or otherwise in such form that title thereto passes upon delivery or upon delivery and endorsement;

"Public officer" means a person employed in any capacity in the public service of the Federation, State or Local Government, public corporations or private company wholly or jointly floated by any government or its agency including the subsidiary or any such company whether located within or outside Nigeria and includes Judicial Officers serving in Magistrates, Area/Customary courts or Tribunals.

"Relation" includes father, mother, child, brother, sister, uncle, aunt and cousins where applicable and their spouses;

"Principal" includes any employer, any beneficiary under a trust, any trust estate, any person beneficially interested in the estate of a deceased person, the estate of a deceased person, and, in the case of any person serving in or under a public body, the public body;

"Property" means real or personal property of every description, including money, whether situated in Nigeira or elsewhere, whether tangible or intangible, and includes an interest in any such real or personal property;

"Purchaser in good faith for valuable consideration" means any transferee, assignee, chargee, mortgagee, pledgee, holder of a lien, or lessee, or any property where the transfer, assignment, charge, mortgage, pledge, lien, or lease was obtained by him for adequate consideration in money or money's worth, without notice that the property was obtained in consequence of the commission of any offence under this Act;

Supplementary Appropriation Bill, 1999 (HB. 8) (*Second Reading*) (*First Allotted Day*).

Report of the Joint Committee on the Bill for an Act to Establish the Niger-Delta Development Commission, 1999:

Hon. West-Idahosa

Hon. Mercy Almona-Isei

Hon. Obetan Obetan:

"That this House do consider the Report of the Joint Committee (Petroleum Resources, Environment, Judiciary, Human Rights & Legal Matters) on the Bill for an Act to establish the Niger-Delta Development Commission, 1999 and approve the recommendation therein".

(AMENDMENTS PROPOSED)

<i>Clauses</i>	<i>Provisions in the Original Bill</i>	<i>Committee Recommendation</i>	<i>Amendment(s) Proposed by Members</i>
Title	A bill for an Act to establish the Niger-Delta Development Commission, 1999.	A Bill for an Act to establish the Niger-Delta and Oil Mineral Producing and Development Commission.	Postponed.

**PART 1 — ESTABLISHMENT, ETC., THE NIGER-DELTA DEVELOPMENT COMMISSION AND
THE GOVERNING COUNCIL**

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| 1(1) | There is hereby established a body to be known as Niger-Delta Development Commission (in this Act referred to as the Commission). | There is hereby established a body to be known as Niger-Delta and Oil Mineral Producing Areas Development Commission (in this Act referred to as the Commission). | Postponed |
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1(2)(a)

1(2)(b)

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| 1(3) | The Commission shall have its head office in Port Harcourt, Rivers State. | The Commission shall have its head office in Yenagoa in Bayelsa State and shall establish offices in any of the Oil Mineral Producing areas in each member State of the Commission. |
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Clause 2

2(1)

2(1)(a)

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| 2(1)(b) | One person who shall be an indigene to represent each of the following member states, that is:
(i) Abia State;
(ii) Akwa Ibom State;
(iii) Bayelsa State;
(iv) Cross River State;
(v) Delta State;
(vi) Edo State;
(vii) Imo State;
(viii) Ondo State; and
(viii) Rivers State. | One person who shall be an indigene of an Oil Producing Area to represent each of the following member states, that is:
(i) Abia State;
(ii) Akwa Ibom State;
(iii) Bayelsa State;
(iv) Cross River State;
(v) Delta State;
(vi) Edo State;
(vii) Imo State;
(viii) Ondo State; and
(viii) Rivers State. |
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provided always that, Akwa-Ibom, Bayelsa, Delta and Rivers States shall have one additional member each.

- 2(1)(c) Two person to represent non- Oil Mineral Producing States.

Delete

- 2(1)(d) One representative of Oil Producing Companies in the Niger-Delta to be nominated by Oil Producing Companies.

One representative of Oil Producing Companies in Nigeria to be nominated by the Oil Producing Companies.

2(1)(e)

2(1)(f)

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| 2(2) | The Chairman and other members of the Council shall:
(a) be appointed by the President, Commander-in-Chief of the Armed Forces; and
(b) be persons of proven integrity and ability. | The Chairman and other members of the Council shall—subject to the confirmation of the National Assembly:
(a) be appointed by the President, Commander-in-Chief of the Armed Forces; and
(b) be persons of proven integrity and ability. |
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2(3)

2(4)

Clause 3(1)

3(2)

3(3)

Clause 4 The office of Chairman of the Commission shall rotate among the member states of the Commission in the following alphabetical sequence.

The office of Chairman of the Commission shall be occupied by a person from an Oil Producing Area and rotate among the member states of the Commission in the following alphabetical sequence.

Clause 5
5(1(a)-(f)

5(2)

5(3)

Clause 6

PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC.

Clause 7

7(1)(a) The Commission shall—
(a) formulate policies and guidelines for development of the Niger-Delta Area.

The Commission shall—
(a) formulate policies and guidelines for development of the Niger-Delta and Oil Mineral Producing Areas.

7(1)(b) Conceive, plan and implement in accordance with set rules, and regulations, projects and programmes for the development of the Niger-Delta Area in the field of transportation, including roads, jetties and waterways, health, education, industrialisation, agriculture and fisheries, housing and urban development, water supply, electricity and telecommunications.

Conceive, plan and implement in accordance with set rules, and regulations, projects and programmes for the development of the Niger-Delta and Oil Mineral Producing Areas in the field of transportation, including roads, jetties and water-ways, health, education, industrialisation, agriculture and fisheries, housing and urban development, water supply, electricity, telecommunications and other developmental projects as the Commission may deem fit in the circumstances.

7(1)(c) Cause the Niger-Delta area to be surveyed in order to ascertain measures which are necessary to promote its physical development.

Cause the Niger-Delta and Oil Mineral Producing Areas to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development.

7(1)(d) Prepare schemes designed to promote the physical development of the Niger-Delta area and estimates of the costs of implementing such schemes.

Prepare schemes designed to promote the physical development of the Niger-Delta and Oil Mineral Producing Areas and the estimates of the costs of implementing such schemes.

7(1)(e) Implement all the measures approved for the development of the Niger-Delta area by the Federal Government and the member states of the Commission.

Implement all the measures approved for the development of the Niger-Delta Oil Mineral Producing Areas by the Federal Government and the member states of the Commission.

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| 7(1)(f) | Identify factors inhibiting the development of the Niger-Delta Area and assist the member states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the Niger-Delta Area. | Identify factors inhibiting the development of the Niger-Delta Area and Oil Mineral Producing and assist the member states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the Niger-Delta and Oil Mineral Producing Areas. |
| 7(1)(g) | Assess and report on any project being funded or carried out in the Niger-Delta Area by Oil Producing Companies, and any other company including Non-Governmental Organisations and ensure that funds released for such projects are properly utilised. | Assess and report on any project being funded or carried out in the Niger-Delta and Oil Mineral Producing area by Oil Producing companies and any other company including non-governmental organisations and ensure that funds released for such projects are properly utilised. |
| 7(1)(h) | Tackle ecological problems that arise from the exploration of Oil Mineral in the Niger-Delta area and advise the Federal Government and the member states on the prevention and control of oil spillages and environmental pollution; | Tackle ecological problems that arise from the exploration of Oil Mineral in the Niger-Delta and Oil Mineral Producing area and advise the Federal Government and the member states on the prevention and control of oil spillages and environmental pollution; |
| 7(1)(i) | Liaise with the various oil mineral prospecting companies on all matters of pollution, prevention and control. | Liaise with the various oil mineral prospecting and exploiting companies on all matters of pollution, prevention and control; |
| 7(1)(j) | Execute such other works and perform such other functions which, in the opinion of the Commission, are required for the development of the Niger-Delta area and its people; and | Execute such other works and perform such other functions which, in the opinion of the Commission, are required for the development of the Niger-Delta and Oil Mineral Producing area and its people; and |
| 7(1)(k) | Carry out such other functions as the President may, from time to time, direct. | Delete |
| 7(2) | | |
| 7(3) | The Commission shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions under this Act other than the President, Commander-in-Chief of the Armed Forces. | Delete |
| 8(a) | | |
| 8(b) | | |
| 8(c) | | |

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| 8(d) | Pay the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Civil Service of the federation. | Pay the staff of the Commission such remuneration and allowances as are payable to persons of equivalent grades in the Federal Civil Service of the federation. |
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8(e)

8(f)

PART III — STRUCTURE OF THE COMMISSION

9(1)

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| 9(1)(a) | The Directorate of Administration and Personnel Management; | Department of Administration and Personnel Management; |
| 9(1)(b) | The Directorate of Community and Rural Development. | Department of Community and Rural Development. |
| 9(1)(c) | The Directorate of Infrastructure Development. | Department of Infrastructure Development. |
| 9(1)(d) | The Directorate of Environmental Protection. | Department of Environmental Protection. |
| 9(1)(e) | The Directorate of Finance and Supply. | Department of Finance and Supply. |
| 9(1)(f) | The Directorate of Agriculture, Fisheries and Water Supply. | Department of Agriculture, Fisheries and Water Supply. |
| 9(1)(g) | The Directorate of Planning, Research and Statistics. | Department of Planning, Research and Statistics. |
| 9(1)(h) | The Directorate of Legal Services. | Department of Legal Services. |
| 9(1)(i) | | Department of Human Development. |
| 9(1)(j) | | Directorate for Development in the Niger-Delta. |
| 9(1)(k) | | The Directorate for Development of Oil Mineral Producing Areas. |
| 9(2) | The Council may, with the approval of the President, Commander-in-Chief of the Armed Forces, increase the number of Directorate as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission. | Delete |

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| <p>Clause 10</p> <p>10(a)</p> <p>10(b)</p> <p>11(1)</p> <p>11(1)(a)</p> <p>11(1)(b)</p> <p>11(2)</p> <p>11(3)</p> | <p>There shall be for the Commission a management Committee which shall; consist of a Chairman who shall be the Managing Director, the Director responsible for the Directorates established under Section 9 of this Act and such number of other members as may be determined from time to time.</p> <p>There is hereby established for the Commission, a Niger-Delta Development Advisory Committee (in this Act referred to as "the Advisory Committee") which shall of—</p> | <p>There shall be for the Commission a management Committee which shall; consist of a Chairman who shall be the Managing Director, two Deputy Managing Directors responsible for the two Directorates and Directors responsible for the Departments established under Section 9 of this Act and such number of other members as may be determined from time to time.</p> <p>There is hereby established for the Commission, a Niger-Delta and Oil Mineral Producing areas Development Advisory Committee (in this Act referred to as "the Advisory Committee") which shall consist of—</p> |
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PART IV — STAFF

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| <p>Clause 12</p> <p>12(1)</p> <p>12(1)(a)</p> <p>12(1)(b)</p> <p>12(1)(c)</p> <p>12(1)(d)</p> <p>12(1)(e)</p> | <p>be an indigene of one of the member states of the Commission.</p> <p>not below the rank of a Permanent Secretary in the Civil Service of the Federation.</p> <p></p> <p></p> <p>Be appointed by the President, Commander-in-Chief of the Armed Forces.</p> | <p>Be an indigene of an Oil and Gas Producing area starting with the member states of the Commission with the highest production quantum of oil and gas and shall rotate amongst member states in the order of production.</p> <p>Delete</p> <p></p> <p></p> <p>Be appointed by the President, Commander-in-Chief of the Armed Forces and confirmed by the National Assembly.</p> |
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- 12(1)(f) hold offices on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment.
- 12(2)(a)
- 12(2)(b)
- 12(2)(c)(i)
- 12(2)(c)(ii) the general direction and control of all other employees of the Commission subject to the directives of the Council and the Chairman.
- 12(3)
- 12(3)(a)
- 12(3)(b)
- 13(1)
- 13(2)
- 13(3)
- 13(4)

COMMITTEES

	<i>Committee</i>	<i>Date</i>	<i>Time</i>	<i>Venue</i>
1.	Rules and Business	Friday, 17 December, 1999	2.00 p.m.	Committee Room 06 Assembly Complex
2.	Peace & National Reconciliation	Friday, 17 December, 1999	2.00 p.m.	Committee Room 14 Assembly Complex
3.	F.C.T.	Friday, 17 December, 1999	2.00 p.m.	Committee Room 15 Assembly Complex