

NATIONAL BOUNDARY COMMISSION (ESTABLISHMENT) ACT, 2006



ARRANGEMENT OF SECTIONS

Section :

PART I—ESTABLISHMENT AND COMPOSITION OF THE NATIONAL BOUNDARY COMMISSION, ETC.

1. Repeal of Act, Cap. 238, LFN 1990.
2. Establishment of the Commission.
3. Establishment of Zonal Liaison Offices, etc.
4. Composition of the Commission, etc.
5. Cessation of membership.
6. Emoluments, etc.

PART II—FUNCTIONS OF THE COMMISSION

7. Functions of the Commission.

PART III—ESTABLISHMENT AND FUNCTIONS OF THE INTERNAL AND INTERNATIONAL BOUNDARY TECHNICAL COMMITTEES

8. Establishment of Internal Boundary Committees.
9. Functions of the Internal Boundary Technical Committee.
10. Establishment and composition of the International Boundary Technical Committee.
11. Functions of the International Boundary Technical Committee.

PART IV—ESTABLISHMENT AND FUNCTIONS OF THE STATE AND LOCAL GOVERNMENT BOUNDARY COMMITTEES

12. Establishment and composition of the State Boundary Committees.
13. Functions of the State Boundary Committees.
14. Establishment and composition of the Local Government Boundary Committee.
15. Functions of the Local Government Boundary Committee.

PART V—STAFF OF THE COMMISSION

16. The Director General of the Commission.
17. Directors and departments of the Commission.
18. Other employees of the Commission.
19. Staff regulations.

- 20. Service in the Commission to be pensionable.
- 21. Secrecy.

PART VI—FINANCIAL PROVISIONS

- 22. Fund of the Commission.
- 23. Expenditure of the Commission.
- 24. Annual estimates and accounts.
- 25. Annual reports.
- 26. Power to accept gifts.
- 27. Power to borrow.
- 28. Trustee Investments Act, Cap. 449 LFN, 1990.

PART VII—LEGAL PROCEEDINGS

- 29. Limitation of suit against the Commission, etc.
- 30. Service of documents.
- 31. Restriction on execution against property of the Commission.
- 32. Indemnity of officer.

PART VIII—MISCELLANEOUS

- 33. Directives by the President, etc.
- 34. Regulations.
- 35. Transfer of rights, etc.
- 36. Obligations and liabilities.
- 37. Pending or existing proceedings or cause of action.
- 38. Vesting of assets.
- 39. Holders of office in the former Commission to continue in the Commission.
- 40. Interpretation.
- 41. Short Title.

SCHEDULE

NATIONAL BOUNDARY COMMISSION (ESTABLISHMENT) ACT, 2006

2006 ACT No. 12

AN ACT TO REPEAL THE NATIONAL BOUNDARY
COMMISSION ACT, CAP. 238 LFN, 1990 AND AMONG OTHERS THINGS, TO
ESTABLISH A NEW NATIONAL BOUNDARY COMMISSION WITH MORE POWERS
AND FUNCTIONS ; AND FOR RELATED MATTERS

[22nd Day of December, 2006]

Commence-
ment.

PART I—ESTABLISHMENT, COMPOSITION, ETC. OF THE NATIONAL BOUNDARY COMMISSION

1. The National Boundary Commission Act, Cap. 238, Laws of the Federation 1990 is repealed.

Repeal of
Act, Cap.
238, LFN
1990.

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

Establishment
of the
Commission.

(2) The Commission—

(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 or dispose of any property, movable or immovable for the purpose of carrying out any of its functions under this Act.

3.—(1) There is established for the Commission, Zonal Liaison Offices.

Establishment
of Zonal
Liaison
Offices, etc.

(2) Each Zonal Liaison Office shall—

(a) comprise of a number of States as may be determined, from time to time, by the Commission ;

(b) be headed by a member of staff of the Commission to be known and referred to as the Zonal Liaison Officer ; and

(c) coordinate the activities of the Commission in the zone in addition to such other functions as may be assigned to it, from time to time, by the Commission.

4.—(1) The Commission consist of—

Composition
of the
Commission,
etc.

(a) the Vice President of the Federation, who shall be the Chairman ;

(b) the Attorney General of the Federation and Minister of Justice ;

(c) the Minister of—

(i) Defence,

(ii) Police Affairs,

(iii) Foreign Affairs,

- (iv) Internal Affairs,
- (v) Works,
- (vi) Co-operation and Integration in Africa,
- (vii) Economic Planning or Presidential Adviser, National Planning Commission, and*

(viii) Petroleum Resources ;

(d) the National Security Adviser ;

(e) the Inspector-General of Police ;

(f) Director-General, National Boundary Commission who shall also be the Secretary to the Commission ;

(g) six other members to be appointed by the President each representing a geopolitical zone from the public or private sector with recognized standing and who possess the requisite qualification, expertise and experience in boundary and border matters ;

(h) the Governor or Governors, as the case may be, who may be co-opted, when a dispute involving the State or States arise ; and

(i) any other Minister who may be co-opted, from time to time, when matters affecting his area of operation arise.

(2) The Chairman and other members shall be—

(a) part-time members of the Commission ; and

(b) appointed by the President.

(3) The members other than *ex-officio* members of the Commission—

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

(b) may be re-appointed for one further period of four years and no more.

Schedule.

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

Cessation
of
membership.

5.—(1) Notwithstanding the provisions of Section 3 of this Act, a person shall cease to hold office as a member of the Commission if—

(a) he is declared bankrupt ;

(b) he is convicted of a felony or any offence involving dishonesty or fraud ;

(c) he becomes of unsound mind or incapable of carrying out his duties arising from infirmity of the body or mind ;

(d) he is guilty of a serious misconduct in relation to his duties ;

(e) in the case of a person possessed of a professional qualification, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member ; or

(f) he resigns his appointment *by a letter addressed to the President*.

(2) If a member of the Commission ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Commission for the unexpired term.

(3) A member of the Commission may be removed from office by the President if he is satisfied that it is not in the interest of the Public that the member continues in office.

6. The members other than the ex officio members of the Commission shall be paid such emoluments and allowances as may be determined by the Revenue Mobilization Allocation and Fiscal Commission.

Emoluments,
etc.

PART II—FUNCTIONS OF THE COMMISSION

7. The Commission shall —

Functions of
the
Commission.

(a) intervene, and deal with any boundary disputes that may arise between Nigeria and any of her neighbours with a view to settling the dispute ;

(b) intervene, determine and deal with any boundary dispute that may arise among states, local government areas or communities in the Federation with a view to settling the disputes ;

(c) define, and delimitate boundaries between states, local government areas or communities in the Federation and between Nigeria and her neighbours in accordance with delimitation instrument or document established for that purpose ;

(d) monitor trans-border relations between Nigeria and her neighbours with a view to detecting areas of tension and possible conflict ;

(e) promote trans-border cooperation and border region development ;

(f) encourage negotiated settlement of border disputes in preference to litigation ;

(g) facilitate equitable utilization of shared border resources of land, water, games, forest resources, etc. ;

(h) co-ordinate all activities on international boundaries ;

(i) formulate policies and programmes on *internal* and international boundaries including land and maritime ;

(j) liaise with other international boundary related bodies ;

(k) advise the Federal Government on matters affecting Nigeria's border with any neighbouring country ;

(l) consider recommendations from the Technical Committees or any other committee set up by the Commission and advise the Federal Government on such recommendations ;

(m) take all necessary steps towards the implementation of resolutions on internal boundary disputes ;

(n) disseminate information to educate the general public on the functions of the Commission under this Act ;

(o) organize, run, operate, conduct and participate in such training courses, lectures, seminars, conferences, symposia and similar study groups which may enhance the activities of the Commission or the efficiency of any of its officers and employees ;

(p) carry out such duties related to boundary and border matters as the President may, from time to time, direct ; and

(q) do such other things as may be considered by the Commission to be necessary, desirable, expedient, supplementary or incidental to the performance of the functions or the exercise of the powers conferred on the Commission under this Act.

PART III—ESTABLISHMENT AND FUNCTIONS OF THE INTERNAL AND INTERNATIONAL BOUNDARY TECHNICAL COMMITTEES

Establishment
of Internal
Boundary
Technical
Committees

8.—(1) There is established for the Commission a body to be known as the Internal Boundary Technical Committee.

(2) The Internal Boundary Technical Committee shall consist of—

(a) the Minister of Works, who shall be the Chairman ;

(b) a representative of the Inspector-General of Police not below the rank of a Commissioner of Police ;

(c) the Permanent Secretary each from the—

(i) National Planning Commission,

(ii) Political Affairs Office, the Presidency,

(iii) Ministry of Internal Affairs, and

(iv) States and Local Government Affairs, the Presidency ;

(d) the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice ;

(e) the Surveyor-General of the Federation ;

(f) the Comptroller-General of Immigration Services ;

(g) three non ex-officio members of the Commission ;

(h) the Chairman of the State Boundary Committee and the Surveyor-General in the relevant States, who may be co-opted when matters affecting their States arise; and ;

(i) the Director General of the Commission.

Functions
of the
Internal
Boundary
Technical
Committee.

9. The Internal Boundary Technical Committee shall—

(a) deal with any internal boundary dispute with the view to settling the dispute ;

- (b) define and delimit internal boundaries in accordance with the delimitation instrument or document established for the purpose ;
- (c) proffer solutions to any internal boundary problems ;
- (d) promote the development and effective management of internal boundaries ;
- and
- (e) make recommendations to the President through the Commission on boundary and border issues between States, Local Governments and communities where necessary.

10.—(1) There is established for the Commission a body to be known as the International Boundary Technical Committee.

Establishment
and
composition
of the
International
Boundary
Technical
Committee.

(2) The International Boundary Technical Committee shall consist of—

- (a) the Minister of Foreign Affairs, who shall be the Chairman ;
- (b) a representative of the Inspector-General of Police not below the rank of a Commissioner of Police ;
- (c) the Permanent Secretary each from the Ministry of—
 - (i) Defence,
 - (ii) Works,
 - (iii) Petroleum Resources,
 - (iv) Internal Affairs,
 - (v) Co operation and Integration in Africa,
 - (vi) National Planning Commission, and
 - (vii) Political Affairs Office, the Presidency ;
- (d) the Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice ;
- (e) the Director-General, National Intelligence Agency ;
- (f) the Surveyor-General of the Federation ;
- (g) the Comptroller-General of Immigration Services ;
- (h) three non ex-officio members of the Commission ;
- (g) the Chairman of the State Boundary Committee and the Surveyor-General in the relevant States, who may be co-opted when matters affecting their States arise ; and
- (h) the Director-General of the Commission.

11. The International Boundary Technical Committee shall—

- (a) deal with matters affecting Nigeria on its borders with neighbouring countries including land and maritime ;
- (b) participate, as may be required in the delimitation of international boundaries in accordance with the delimitation instrument or document established for the purpose ;

Functions of
the
International
Boundary
Technical
Committee.

- (c) proffer solutions to any international boundary problems ;
- (d) promote trans-border cooperation and border region development ; and
- (e) make appropriate recommendations to the Commission on the effective boundaries and borderlands.

PART IV—ESTABLISHMENT AND FUNCTIONS OF THE STATE AND
LOCAL GOVERNMENT BOUNDARY COMMITTEES

Establish-
ment and
composition
of the
State
Boundary
Committees.

12.—(1) There shall be established by each State of the Federation and the Federal Capital Territory, Abuja a Boundary Committee.

(2) A State Boundary Committee shall consist of—

- (a) the Deputy Governor of the State, who shall be the Chairman ;
- (b) the Commissioner each responsible for—
 - (i) survey,
 - (ii) finance and economic development,
 - (iii) information, and
 - (iv) Local Governments ;
- (c) the Attorney-General of the State and Commissioner for Justice ;
- (d) the Commissioner of Police in the State ;
- (e) the Director, State Security Services in the State ;
- (f) the Surveyor-General of the State ;
- (g) the Comptroller of Immigration Services ;
- (h) the Chairman, Council of Chiefs or Traditional Rulers for the State ;
- (i) the Chairman or Chairmen of the Local Government Areas, who may be co-opted when matters affecting the Local Government Areas arise ; and
- (j) three other persons knowledgeable in boundary and border matters one representing each of the Senatorial Districts.

(3) The Federal Capital Territory Boundary Committee shall consist of—

- (a) the Permanent Secretary, Ministry of the Federal Capital Territory, Abuja who shall be Chairman ;
- (b) a representative of the Attorney-General of the Federation ;
- (c) the Director responsible for each of the following in the Federal Capital Development Authority, Abuja—
 - (i) Urban and Regional Planning,
 - (ii) Planning, Research and Statistics ; and
 - (iii) Survey, as the secretary
- (d) the Commissioner of Police, Federal Capital Territory ;
- (e) the Director, Department of State Services, Federal Capital Territory ;

- (f) the Comptroller of Immigration Services Federal Capital Territory ; and
- (g) two other persons to be appointed by the Chairman, Federal Capital Territory Administration.

13. The State and Federal Capital Territory Boundary Committees shall each—

- (a) deal with inter and intra local government boundary disputes within the State and the Federal Capital Territory ;
- (b) define and delimit Inter and Intra Local Government Area or Area Council Boundaries in accordance with the delimitation instrument or document established for that purpose ;
- (c) liaise with the Zonal Liaison Officer of the Commission in the State and the Federal Capital Territory ;
- (d) identify and intervene in areas of potential disputes in the State and the Federal Capital Territory, Abuja ;
- (e) hold meetings at least once *in every quarter* to ensure maintenance of peace and order in the border areas ;
- (f) liaise with the State Boundary Committees of neighbouring States with the view of taking joint measures that shall promote good inter-community relationship ;
- (g) arrange with other State Boundary Committees for joint utilization of shared resources and facilities along their common borders ;
- (h) encourage and promote joint inter-community development ventures among border dwellers ;
- (i) encourage and support peace organs within the State and the Federal Capital Territory, Abuja as the case may be, for the purpose of promoting peace and harmony between communities involved in boundary disputes ;
- (j) monitor the activities of Local Government Boundary Committees within the State and the Federal Capital Territory, Abuja as the case may be, and deal with disputes which cannot be settled by the Local Government Boundary Committees ;
- (k) evolve measures for joint utilization of amenities along local government boundaries within the State and the Federal Capital Territory, Abuja as the case may be ;
- (l) encourage negotiated settlement of boundary disputes in preference to litigation ; and
- (m) carry out awareness and enlightenment campaigns among the people in the State and the Federal Capital Territory, Abuja as the case may be, on the essence of boundaries in order to foster peace and harmony among the people living along boundary lines.

Functions of
the State
Boundary
Committees.

14.—(1) There shall be established by each Local Government Area in a State and each Area Council in the Federal Capital Territory, a Local Government Boundary Committee.

- (2) A Local Government Boundary Committee shall consist of—

Establishment
and compo-
sition of the
Local
Government
Boundary
Committee.

(a) the Vice Chairman of the Local Government Area, who shall be the Chairman of the Committee ;

(b) the Supervisory Councillor each for—

(i) Works, and

(ii) Finance ;

(c) the Divisional Police Officer in the Local Government Area ;

(d) a representative each of the—

(i) State Security Services in the Local Government Area ; and

(ii) Surveyor-General of the State ;

(e) a Local Government Council Officer of Immigration Services ;

(f) two—

(i) Traditional Rulers ;

(ii) other persons knowledgeable in boundary and border matters, appointed by the Chairman of the Local Government ; and

(g) the Head of Department of Works.

Functions
of the
Local
Government
Boundary
Committee.

15. A Local Government Boundary Committee shall—

(a) deal with inter-community boundary disputes ;

(b) liaise with and keep the State or the Federal Capital Territory Boundary Committee, as the case may be, informed of all boundary problems within the Local Government Area or Area Council ;

(c) hold meetings at least once quarterly to identify areas of potential boundary disputes and alert the State or the Federal Capital Territory Boundary Committee, as the case may be ;

(d) liaise with neighbouring Local Government Areas towards evolving joint programmes that shall promote peace and harmony among border dwellers ;

(e) encourage negotiated settlement of boundary disputes in preference to litigation ; and

(f) carry out awareness and enlightenment campaigns with the view of fostering peaceful relationship with neighbouring communities.

PART V—STAFF OF THE COMMISSION

The
Director
General of
the
Commission.

16.—(1) There shall be for the Commission a Director-General, who shall be appointed by the President.

(2) The Director-General shall be—

(a) the Secretary to the Commission and the Technical Committees set up by the Commission ;

(b) the chief executive and accounting officer of the Commission ;

- (c) responsible for the execution of the policy and day to day administration of the affairs of the Commission ;
 - (d) the head of the Secretariat of the Commission ; and
 - (e) a person who possesses the relevant and adequate professional qualification and shall have been so qualified for a period of not less than 20 years ;
- (3) The Director-General shall hold office—
- (a) for a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more ; and
 - (b) on such terms and conditions as may be specified in his letter of appointment ;
- (4) The Director-General shall perform such other functions as may be determined by the Commission.

17.—(1) The Commission shall appoint the following Directors—

- (a) Director, Internal Boundaries ;
- (b) Director, International Boundaries ;
- (c) Director, Research and Policy Analysis ;
- (d) Director, Finance and Accounts ;
- (e) Director, Administration and Supplies ; and
- (f) Director, Legal Services.

Directors
and
departments
of the
Commission.

(2) The Directors appointed under subsection (1) of this section shall each have the requisite qualification and experience required for the effective performance of the functions of their respective Departments and the Commission as specified under this Act.

(3) Notwithstanding the provisions of Subsection (1) of this section, the Commission shall have power to establish such additional Departments as may be necessary to assist it in the performance of its duties and functions under this Act.

18.—(1) The Commission shall appoint such officers and other employees as it may deem fit.

Other
employees
of the
Commission.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Commission shall be determined by the Commission in conformity with the National Salaries, Income and Wages Commission.

(3) Without prejudice to the generality of subsection (1), the Commission shall have power to 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 Commission, be required to assist the Commission in the discharge of any of its functions under this Act and shall have the power to pay to persons so employed such remuneration (including allowances) as may be determined by the National Income, Salaries and wages Commission.

Staff
regulations.

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

(a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Commission ; 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 public service of the Federation shall be applicable.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission and when so approved they need not be published in the *Federal Gazette* but the Commission 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
Commission
to be
pensionable.

20.—(1) Service in the Commission shall be approved service for purposes of the Pension Reform Act 2004 and accordingly, employees of the Commission shall be entitled to pension, gratuities and other retirement benefits as are prescribed under the Pension Reform Act 2004.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on the terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purposes of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other authority of the Federal Government, other than the power to make regulations under section 97 of the Pension Reform Act 2004, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

Secrecy.

21.—(1) A member of the Commission or the Director-General or any other officer or employee of the Commission 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 Commission or as the Director-General, officer or employee of the Commission ;

(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 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 Commission, from time to time.

(2) Any person who contravenes the provisions of Subsection (1) of this section, commits an offence and shall be liable to disciplinary action in accordance with the provisions of the Public Service Rules.

PART VI—FINANCIAL PROVISIONS

22. There is established and maintained for the Commission a fund into which shall be paid and credited—

Fund of the
Commission.

- (a) all subventions and budgetary allocations from the Federal Government ;
- (b) such monies as may, from time to time, be granted or lent to the Commission by the Federal, State or a Local Government ;
- (c) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies; and
- (d) such other moneys as may be received by the Commission in the course of its operations or in relation to the exercise by the Commission of any of its functions under this Act.

23. The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 22 of this Act—

Expenditure
of the
Commission.

- (a) to the cost of administration of the Commission ;
- (b) to the payment of the emoluments, allowances and benefits of members of the Commission and for reimbursing members of the Commission or any committee of the Commission and for such expenses as may be expressly authorised by the Commission ;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions and other benefits payable to the officers and other employees of the Commission so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Commission) shall be made to any person who is in receipt of emoluments from the Federal or State Government ;
- (d) for the development and maintenance of any property vested in or owned by the Commission ;
- (e) to publicise and promote the activities of the Commission ; and
- (f) for undertaking such other activities as are connected with all or any of the functions of the Commission under this Act.

24.—(1) The Commission shall, not later than 30th September in each year, submit to the President an estimate of its expenditure and income (including payments to the Commission's fund) for the next succeeding year.

Annual
estimates
and
accounts.

(2) The Commission shall keep proper accounts in respect of each year and proper records 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 for the Federation.

25. The Commission shall prepare and submit to the Federal Executive Council, through the President, 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 Commission during the immediately preceding year and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report on the accounts.

Annual
reports.

Power to
accept
gifts.

26.—(1) The Commission 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 Organisation making the gift.

(2) The Commission shall not accept any gift if the condition attached by the person or Organisation making the gift is inconsistent with the functions of the Commission.

Power to
borrow.

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

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

(3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Commission shall not borrow the sum without the prior approval of the President.

Trustee
Investments
Act, Cap.
449 LFN,
1990.

28. The Commission 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 President.

PART VII—LEGAL PROCEEDING

Limitation
of suit
against the
Commission,
etc.

29. 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 Commission.

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

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

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

(3) No suit shall be commenced against a member of the Commission, the Director-General, officer or employee of the Commission before the expiration of one month after written notice of the intention to commence the suit shall have been served upon the Commission 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.

Service of
documents.

30. A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of 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 Commission.

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

Restriction
on execution
against
property of
the
Commission.

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

32. A member of the Commission or the Director-General or any officer or employee of the Commission shall be indemnified out of the assets of the Commission 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 Commission.

Indemnity of
officer.

PART VIII—MISCELLANEOUS

33. The President may give to the Commission or the Director-General such directives of a 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 the Commission or the Director-General shall comply with if they are not inconsistent with its functions as prescribed under this Act.

Directives by
the
President,
etc.

34. The Commission may, with the approval of the President, 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.

35.—(1) The statutory functions, rights, interests, obligations and liabilities of the Commission, existing before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Commission established by this Act.

Transfer of
rights, etc.

(2) Any such contract or instrument as is mentioned in sub-section (1) of this section shall be of the same force and effect against or in favour of the Commission established by this Act and shall be enforceable as fully and effectively as if the Commission established by this Act had been named therein or had been a party thereto.

36.—(1) The Commission established by this Act shall be subject to all the obligations and liabilities to which the Commission existing before the commencement of this Act was subject to.

Obligations
and liabilities.

(2) All persons who had rights, powers and remedies against the Commission existing before the commencement of this Act, shall have same against the Commission established by this Act.

37. Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Commission in respect of any right, interest, obligation or liability of the Commission existing before the commencement of this Act may be continued or, as the case may be, commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Commission to the same extent that such proceeding or cause of action or

Pending or
existing
proceedings
or cause of
action.

determination might have been continued, commenced or enforced by or against the Commission existing before the commencement of this Act.

Vesting of
assets.

38. All assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Act were vested in the Commission existing before the commencement of this Act shall, by virtue of this Act and without further assurance, be vested in the Commission established by this Act.

Holders of
office in
the former
Commission
to continue
in the
Commission.

39. Any person who immediately before the coming into force of this Act is the holder of any office in the Commission existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to that office by the Commission established by this Act, unless the authority by which the person was appointed terminates the appointment.

Interpretation.

40. In this Act—

“*border*” means the strip of land and or maritime areas which straddles or lies along the corridor of a boundary within a stipulated distance ;

“*boundary*” means the line of demarcation which delimits the extent of administrative jurisdiction of a State and its separate constituent units ;

“*communities*” means body of people living near one another and sharing the same environment and any common amenities ;

“*Local Government Boundary Committee*” includes an Area Council Boundary Committee ;

“*member*” means a member of the Commission and includes the Chairman of the Commission ;

“*President*” means the President of the Federal Republic of Nigeria.

Short
Title.

41. This Act may be cited as the National Boundary Commission (Establishment) Act, 2006.

SCHEDULE

Section 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

*Proceedings of the Commission*Cap. 192
LFN.

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

(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 7 other members of the Commission and the quorum of any committee of the Commission shall be determined by the Commission.

2.—(1) The Commission shall meet not less than four times in each year and subject thereto, the Commission shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 4 other members, he shall summon a meeting of the Commission to be held within 28 days from the date on which the notice is given.

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

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

Committees

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

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the committee in accordance with the terms of his appointment.

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

Miscellaneous

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, Director-General or any other person generally or specifically authorized by the Commission to act for that purpose.

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

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

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

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

EXPLANATORY MEMORANDUM

This Act repeals the National Boundary Commission, etc. Act, Cap. 238, Laws of the Federation of Nigeria 1990 and among other things, establishes as a new National Boundary Commission with more powers and functions to deal with boundary problems between Nigeria and her neighbours and any inter or intra boundary disputes between States, Local Government Areas and communities in Nigeria.

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.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
21st Day of December, 2006.

SCHEDULE TO NATIONAL BOUNDARY COMMISSION (ESTABLISHMENT) BILL, 2006

(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 the House of Representatives</i>
National Boundary Commission (Establishment) Bill, 2006.	An Act to repeal the National Boundary Commission Act, Cap. 238 LFN, 1990 and among others things, to establish a new National Boundary Commission charged with more powers and functions ; and for related matters.	This Bill seeks to repeal the National Boundary Commission, etc. Cap. 238, LFN, 1990 and among other things, establish a new National Boundary Commission charged with more powers and functions to deal with boundary problems between Nigeria and her neighbours and any inter or intra boundary dispute between States, Local Government Areas and communities in Nigeria.	13th September, 2006.	30th August, 2006.

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.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
21st Day of December, 2006.

I Assent.



CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
22nd Day of December, 2006.