

DEFENCE SPACE ADMINISTRATION ACT, 2016

ARRANGEMENT OF SECTIONS

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DEFENCE SPACE ADMINISTRATION ACT, 2016

A BILL

FOR

Act to establish the Defence Space Administration, develop satellite technology, ensure security of the ion's cyber activities; and for related matters.

Commencement.

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

PART I: ESTABLISHMENT OF THE ADMINISTRATION

(1) There is established a body to be known as the Defence Space Administration (in this Act referred to as "the Administration").

Establishment of the Administration.

(2) The Administration:

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

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

(1) The Objects of the Administration are to:

The Objects of the Administration.

(a) facilitate and implement the Defence and Security aspect of the National Space Policy;

(b) develop and operate Military Space Technologies;

(c) support Nigerian Military operations both within and outside the country as well as Security Agencies responsible for internal security through the use of satellites;

(d) provide resilient and affordable Space and Cyberspace capabilities for the Nigerian Military, other Security and Law Enforcement Agencies;

(e) provide space support for the launching of satellites and other high-value payload into Space using a variety of expandable launch vehicles and operating those satellites once in the medium of Space;

- (f) establish space Control capable of ensuring the peaceful use of space through counter space operations encompassing surveillance, navigation, protection and space intelligence analysis;
- (g) establish Enhancement Centres capable of providing satellite-based weather, earth observation, communications, intelligence, missile warning and navigation, capabilities for the Nigerian Military in particular and the Country in general. Force enhancement provide direct support to military operations;
- (h) expand the knowledge of Military Officers and men, security and other personnel in the Space Science Technology Development and Management, thereby strengthening human resources development required for the implementation of defence space programmes;
- (i) encourage the development and operation of vehicles capable of carrying instruments, equipments, supplies and living organisms through space;
- (j) co-ordinate space application programmes and activities in the 3-Arms Services, for the purpose of optimizing resources and develop space technologies of direct relevance to Armed Forces and national objectives;
- (k) develop strategies for the exploitation of the outer space and make these part of the overall national development strategies, and implement strategies for promoting Armed Forces participation in the space industry;
- (l) collaborate with national and international research centres, non-governmental organisations, universities, private sectors, industries and national and international space agencies and authorities;
- (m) promote active participation of Nigerian Armed Forces in the activities of the United Nations Committee on the Peaceful Uses of Outer Space and Other United Nations Specialised Agencies involved in space science and technology applications;
- (n) provide support for all Military Formations, Commands, Units and Institutions in Nigeria for research and development projects relevant to the Defence Space Programmes;
- (o) conduct training and re-training of personnel involved in defence space activities and undertake all such activities or things as are necessary or expedient for the carrying out of the objects of the Administration and promotion of Space Science and Technology in the Military and other Security Agencies.

(2) For the purpose of carrying out the objects outlined in section 2(1) (a)-(o) of this Act, the Administration shall:

- (a) establish such centres, facilities, departments and other teaching and research units within the Administration as may be

necessary from time to time or desirable, subject to the approval of the governing council;

- (b) be responsible for the discipline and welfare of members of the Administration;
- (c) refer matters relating to the discipline of military personnel in the Administration according to the Armed Forces Act;
- (d) conduct and sponsor studies and researches in space science and related fields of learning;
- (e) engage top quality staff of international standards aimed at creating a centre of excellence in mandated fields of study;
- (f) subject to the provisions of the Land Use Act, acquire, hold, grant, charge or otherwise deal with or dispose of moveable and immovable property wherever situate;
- (g) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objects and purpose for the establishment of the Administration;
- (h) erect, provide, equip and maintain libraries, laboratories, lecture halls, and other buildings as are necessary for the carrying out of the objects of the Administration;
- (i) Subject to any limitations or conditions imposed by Statute, invest any moneys belonging to the Administration by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investments or securities in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being not invested with any approved bank on deposit or current account;
- (j) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable of the Administration, such moneys as the council may from time to time require or expedient to borrow or to guarantee any loan, advances of credit facilities;
- (k) do such other things as may be required for the effective and smooth running of the Administration; and
- (l) do such acts or things that are incidental to the attainment of the powers listed in this section as are considered necessary to promote the objects of the Administration.

Cap. A20 LFN, 2004.

Cap. L5, LFN, 2004.

PART II: ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

There is established for the Agency a Council to be known as the Governing Council, Defence Space Administration (in this Act referred to as "the Council").

Establishment of the
Governing Council.

The Council shall consist of the:

Composition of the
Council.

- (a) Honourable Minister of Defence as Chairman;
- (b) Honourable Minister of Science and Technology;
- (c) Honourable Minister of Interior;
- (d) Honourable Minister of Communications;
- (e) Attorney-General of the Federation and Honourable Minister of Justice;
- (f) Chief of Defence Staff;
- (g) Chief of Army Staff;
- (h) Chief of Navy Staff;
- (i) Chief of Air Staff;
- (j) Inspector General of Police; and
- (k) Chief of Defence Space Administration as Secretary.

The Council:

Functions and Powers
of the Council.

- (a) shall initiate or approve the policy of the Administration and may give the Administration directions on general or specific matters;
- (b) shall grant approval for the Administration to enter into research and production partnerships with any Company, Non-Governmental Organization, firm or individual;
- (c) shall appoint technical consultants to advice it from time to time as the need and situation may arise;
- (d) may, with the approval of the Council, establish other centres which shall be located in such places in Nigeria as may be selected by the Administration;
- (e) may make regulations generally for the purpose of giving effect to the provisions of this Act, facilitating the discharge of the Administration's functions or pursuing the Administration's objectives;

- (f) may delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Administration;
- (g) shall approve the creation of any office, department or committee as may be considered necessary or expedient for the smooth running of the Administration;
- (h) shall recommend the nomination of Chief of Defence Space Administration to the President and Commander-in-Chief of the Armed Forces for approval subject to the provisions of the Armed Forces Act;
- (i) shall exercise control and supervise the policy, finances and property of the Administration;
- (j) shall appoint the provost, professors and other academic and administrative staff, stipulate terms and conditions of their appointment, determine the remuneration of the principal officers and other staff of the Administration that are not military personnel and scope of their responsibilities; and
- (k) shall do such other things as are necessary for the successful performance of the functions of the Administration.

- (1) The office of a member of the Council shall be deemed vacant if after 4 years from the date of first appointment:
- Tenure of office of members of the Council.

- (a) he dies;
- (b) he resigns before the expiration of his tenure;
- (c) he is adjudged to be medically unfit, a lunatic or of unsound mind;
- (d) a case of gross misconduct is established against him;
- (e) he is sentenced to death or imprisonment;
- (f) he is adjudged or declared bankrupt;
- (g) he is discovered to be a member of any secret society;
- (h) he is indicted for fraud or embezzlement by a Judicial Commission of Inquiry or indicted for contravention of the Code of Conduct;

- (2) For the Chief of the Defence Space Administration, whose removal from office shall be in accordance with military posting, on the recommendation of the CDS and Council to Mr. President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval.

PART III: STRUCTURE OF THE ADMINISTRATION HEADQUARTERS, OFFICES AND DIRECTORATES OF THE ADMINISTRATION

1) The Headquarters of the Administration shall be situated in the Federal Capital Territory Abuja.

Structure of the Administration Headquarters, Offices and Directorates of the Administration.

2) There shall be at the headquarters the following offices and Directorates:

- (a) Office of the Chief of the Defence Space Administration (CDSA) and Chief Executive Officer(CEO);
- (b) Office of the Deputy Chief of Defence Space Administration (DCDSA);
- (c) Directorate of Earth Observation (DEO);
- (d) Directorate of Satellite Communication(DSC);
- (e) Directorate of Navigation, Positioning and Timing(DNPT);
- (f) Directorate of Launch Services and Space Operations(DLSO);
- (g) Directorate of Policy, Planning and Research(DPPR);
- (h) Directorate of Cyber Security(DCS);
- (i) Directorate of Support Services(DSS);
- (j) Directorate of Finance and Accounts(DFA); and
- (k) Directorate of Procurement(DOP).

Each Directorate shall be headed by a Director with an establishment rank of Major General or its equivalent in other Security Agencies or a Civilian with requisite professional experience, for a minimum duration of 2 years.

The Administration shall have powers to establish other Directorates as the need arises.

3) To achieve the objectives of the Defence Space Policy, the Administration shall operate through the following Development Centres and School:

Development Centres of the Administration

- (a) Space Innovations and Development Centre;
- (b) Defence Earth Observation Centre;
- (c) Defence Satellite Communication Centre ;
- (d) Defence Cyber Operations Centre; and

(e) Defence Space School (DSS).

- 2) The Administration shall have power to establish other Development Centres as the need arises.
- 3) The Centres shall carry out other activities that are necessary for the successful implementation of their mandates.
- 4) Each Centre of the Administration shall have Functional Technical Divisions and Support Service and the Administration shall, with the approval of the Council, establish other centres which shall be located in such places in Nigeria as may be selected by the Administration.
- 5) Each Centre shall be headed by a Director, a Senior Military Officer whose appointment and removal from office shall be in accordance with Military posting or employable highly skilled retired officers from the 3-Armed Forces or other Security Agencies or a Civilian who is a professional with a minimum of 15 years practical experience in the activity area of the Centre which he is in charge.

- 1) The DSS shall be responsible for building capacity in Space Science and Technology (SST). Defence Space School (DSS).
- 2) The DSS shall be headed by a Commandant, a senior military officer with an establishment rank of Major-General or its equivalent whose appointment and removal from office shall be in accordance with military posting, and who shall work with the Chief in actualizing the Defence Space Policy in accordance with the provisions of this Act.

PART IV: PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

- 1) There shall be appointed for the Administration, a Chief of Defence Space Administration drawn from any of the Services on rotational basis, not below the rank of a serving Major-General or its equivalent whose appointment and removal from office shall be in accordance with military posting, Chief of Defence Staff on the nomination of the CDS and Council recommendation to Mr. President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval. Appointment and Functions of the Chief of Defence Space Administration.
- 2) He must be knowledgeable in space science and have demonstrated experience in engineering, information technology or science and technology; and shall be responsible to the Council for:
 - (a) giving to the Council such information as to the activities of the Administration as the Chairman of the Council may require;
 - (b) authorizing programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council;
 - (c) carrying out the day-to-day running of the Administration;

(d) preparation of programme of work and estimates of the Administration's income and expenditure annually;

(e) supervision of the activities of the Directors in the Administration; and

(f) co-ordinating the activities of the Centres.

(2) The fact that any power has been delegated to the Chief pursuant to sub-section (1) of this section shall not preclude the Council itself from exercising them in any special case.

(3) The powers referred to in sub-section (2) of this section shall include the:

(a) executive control over the Military, Security and Civilian staff of the Administration;

(b) supervision of accounts and records;

(c) preparation for approval of programmes and plans that necessary to carry into effect approved policy or any directive of the Council;

(d) interpretation of such policy to other staff of the Administration;

(e) making of any staff recommendations to the Council; and

(f) establishment of organisational structures, committees and definitions of duties:

(1) There shall be appointed for the Administration, a Deputy Chief of Defence Space Administration (DCDSA), drawn from any of the Services on rotational basis, of the rank of a serving Major-General or its equivalent in the other services whose appointment and removal from office shall be in accordance with Military posting, on the recommendation of the Chief of Defence Staff (CDS) and Council approval, must be knowledgeable in space science and have demonstrated experience in engineering, information technology or science and technology.

Appointment and Functions of the Deputy Chief of Defence Space Administration.

(2) The DCDSA shall assist the CDSA in the day to day administration of the Agency and in any other responsibility as may be assigned by the CDSA.

(1) There shall be appointed for the Administration, Directors for the Defence Space Administration, drawn from all the Services not below the rank of Brigadier-General and not above the rank of Major-General or its equivalent in other services whose appointment and removal from office shall be in accordance with Military posting as stated in the Schedule and they shall assist the "Chief of Defence Administration" in running the affairs of the Administration in accordance with the provisions of this Act.

Appointment of other Principal Officers of the Administration.

(2) Appointment and removal of all other officers and men other than principal officers shall also be by Military posting for the Defence Space Administration, drawn from all the Armed Forces by the Chief of Defence Space Administration (CDSA).

1) The CDSA shall be the Secretary to the Council and shall be in charge of the Secretariat of the Council.

Functions of the Secretary to the Council.

2) The Secretary of the Council shall carry out such functions and duties, as the Council may assign including functions specified in Sub-section 3(a)-(d) of this section.

3) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:

(a) prepare the minutes of meetings of the Council and its Committees;

(b) keep and secure the records of the Council;

(c) issue notices of meetings of the Council and other correspondences as may be directed by the Hon. Minister of Defence; and

(d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

4) The Nigerian Army, Navy and Airforce shall post Military Officers, Soldiers, Ratings and Airmen from time to time, to fill administrative, command, teaching and other military vacancies in the Administration.

Posting of Staff to the Administration.

5) The Council shall appoint such persons as employable highly skilled Retired Officers from the Armed Forces or other Security Agencies or Civilian Members of staff for the Administration for teaching, research and general administration as it considers necessary and shall approve terms and conditions of service including provision for the payment of pensions.

6) Newly appointed members of staff of the Administration shall, unless exempted by the Minister of Defence, take such oaths as to secrecy and other matters as the Minister of Defence may, from time to time, direct.

or continuation in projects, Personnel who are trained space specialists posted to the Administration should have a minimum of 3 years tour of duty to enable them acquire requisite training, experience and application in Space Science and Technology.

Tour of duty duration.

ART V: FINANCIAL PROVISIONS

7) There is established a fund, which shall be known as the Defence Space Fund (in this Act referred to as "the Fund").

Establishment, etc. of the Defence Space Development Fund.

(2) There shall be paid and credited into the Fund established under sub-section (1) of this section:

- (a) grants-in-aid and assistance from bilateral and multilateral agencies;
- (b) all other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations:

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions will not jeopardize the functions of the Administration;

- (c) such monies as may be appropriated for the Fund by the National Assembly; and
- (d) foreign aids and assistance from bilateral and multilateral agencies.

7. The Administration shall apply the funds to:

Expenditures of the Administration.

- (a) the training of members of staff of the Administration and provision of scholarships and awards for specialized training of personnel;
- (b) pay the civilian personnel, overhead allowances, benefits and other administrative costs of the Administration; and
- (c) pay all personnel involved in space programmes a special allowance called Radiation Hazard Allowance (RHA), Special Skill Allowance (SSA), Shift Allowance (SA) and Plain-Clothing Allowance (PCA).

8. All incomes derived by the Administration from the sources specified in section 16 of this Act and all contributions to the Fund of the Administration shall be exempted from tax.

Exemption from payment of tax.

9. (1) The Accounts of the Administration shall be audited not later than 6 months after the end of the year to which they relate by auditors appointed by the Administration from the list of auditors supplied and in accordance with the guidelines issued by the Auditor-General of the Federation.

Audit and Accounts.

(2) An auditor appointed under subsection (1) of this section shall have access to all accounts and other records relating to such accounts as are kept by the Administration and shall have the power to request from any staff of the Administration such

information and explanation as in the Auditor's opinion are necessary for the purpose of the audit.

The Administration shall prepare and submit to the Council not later than 30th June in each year, a report on the activities of the Administration, the audited accounts of the Administration and the Auditors' Report for each year preceding the report. Annual Report.

The Council may, with the consent of or in accordance with the general authority given to it by Government, borrow by way of loan or overdraft from any source or money required by the Administration for meeting its obligations in the discharge of its functions under this Act. Power to borrow.

The Administration may accept gift of land, money, property or loan, upon such terms and conditions if any, as may be specified by the person or organization making the gift provided that the conditions attached by the person making the gifts are not inconsistent with the objects of the Administration and the Federal Government policy. Power to accept gifts.

PART VI: TRANSFER OF PROPERTY TO THE ADMINISTRATION

- (1) The Administration shall ensure the implementation of all policies in the attainment of its goals and objectives. Implementation of Policies.
- (2) The policies shall be in line with the National Space Policy and Program as well as Defence Policy of the nation.
- (3) The implementation of such policies shall be under the direct responsibility of the Chief of Defence Space Administration and his Team.

All landed property of the Administration shall not be disposed of or charged except with the resolution of the Council. Restriction on the disposal of landed property.

PART VII: MISCELLANEOUS

Bodies established under this Act, shall have power to constitute Committees consisting members of such Bodies and, subject to the provisions of sections 5 and 10 of this Act, authorize a Committee established by it to exercise on its behalf, such functions as may be delegated to the Committee. Establishment of Committees.

In this Act, the following expressions shall have the following meanings: Interpretation.

"AFN" means Armed Forces of Nigeria;

"Centre" means Development Centres of the Administration established under Section 10 of this Act;

"Chief" means the Chief/Head of the Defence Space Administration;

"CDS" means Chief of Defence Staff;

"CDSA" means Chief of Defence Space Administration;

"CEO" means Chief Executive Officer;

"DCDSA" means Deputy Chief of Defence Space Administration;

"DSS" means Defence Space School;

"Dual-purpose technologies" means Space Technologies which can contribute to the proliferation of weapons of mass destruction;

"Facility" means any place, premises, structure or installation designed, adapted or equipped for the performance of any space or space-related process or activity;

"Fund" means the Fund of the Administration or Defence Space Development Fund established under Section 23(1) of this Act;

"Government institutions" means any:

(a) body or company established by or under any law; or

(b) other institution or body recognized by the Minister by notice in the Gazette;

"Launching" means the placing or attempted placing of any spacecraft into a sub-orbital trajectory or into outer space, or the testing of a launch vehicle or spacecraft in which it is foreseen that the launch vehicle will lift from the earth's surface;

"Launch vehicle" means any device manufactured or adapted to launch a spacecraft;

"Licence" means a licence issued to the Defence Space Administration by the regulatory Space Agency or proprietary body;

"Licensee" means any person who is the holder of a licence;

"Member" means a member of the Council;

"Misconduct" means immoral, unethical or unprofessional behaviour;

"MOD" means "Ministry of Defence";

"Other Security Agencies" means the Nigeria Police Force, the Department of State Security Services, the National Intelligence Agency, Nigerian Customs Service, Nigerian Immigration Service, Nigeria Security and Civil Defence Corps;

"Outer space" means the space above the surface of the earth from a height at which it is a practice possible to operate an object in an orbit around the earth;

"Premises" means any place where any facility, installation or structure is situated or being erected, and where any space or space-related activity is performed or the performance thereof is contemplated;

"Prescribed" means prescribed by regulation;

"Principal Officer" means the Chief, Deputy Chief and Directorates Directors, Centres Director and Commandant of DSS appointed under this Act;

"Regulation" means any regulation made under this Act;

"Secretary" means the Secretary of the Council appointed under Section 14(1) of this Act; and

"Space activities" means the activities directly contributing to the launching of spacecraft and the operation of such craft in outer space;

"Spacecraft" means any object launched with the purpose of being put and operated in outer space;

"Space industry" means any industry utilizing space technologies;

"Space-related activities" means all activities supporting, or sharing mutual technologies with, space activities;

"Space technologies" means technologies specifically developed with a view to, or which are related to, or are utilized in, space activities;

"Suborbital trajectory" means the trajectory of any object which leaves the surface of the earth due to a launch, but returns to the surface of the earth without completing an orbit around the earth;

"Technical officer" includes scientists, engineers and lawyers working in the Administration;

"Technological assets" means any capital assets, patents, designs, data, equipment and computer software specifically related to space technologies;

"This Act" includes any regulation;

"Weapons of mass destruction" means weapons of mass destruction as defined in the Non-Proliferation of Weapons of Mass Destruction Act, 1993.

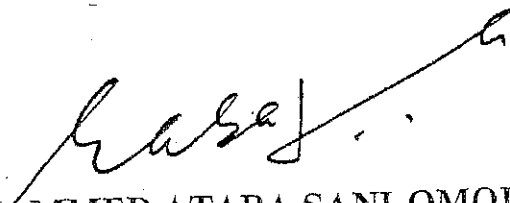
SCHEDULE

[Section 12]

Other Principal Officers of the Administration

1. Director of Earth Observation
2. Director of Communications Satellite
3. Director of Navigation, Positioning and Timing
4. Director of Launch Services and Space Operations
5. Director of Cyber Security
6. Director of Policy, Planning & Research
7. Director of Support Services
8. Director of Finance and Accounts
9. Director of Procurements
10. Any other Directorate that may be created by the Council from time to time.

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.

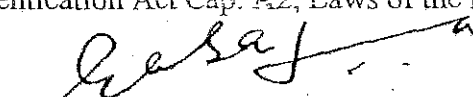

MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

4th DAY OF JANUARY, 2017

Schedule to the Defence Space Administration Bill, 2016

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Defence Space Administration Bill, 2016.	An Act to establish the Defence Space Administration, develop satellite technology, ensure security of the nation's cyber activities; and for related matters.	This Bill seeks to establish the Defence Space Administration (DSA) as a Parastatal in the Ministry of Defence. It comprises representatives of the Defence, Intelligence Communities, Security Services, and Law Enforcement Agencies and report through the Ministry of Defence to the National Space Council. It shall also have employable highly skilled retired Military personnel from the 3-Arms of the Services or civilian members of staff of the Administration for teaching and research.	13 th December, 2016	6 th December, 2016

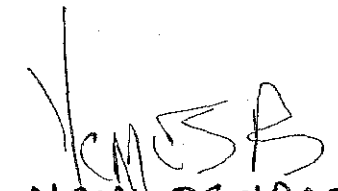
I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


MOHAMMED ATABA SANI-OMOLORI

Clerk to the National Assembly

4th Day of January, 2017

I ASSENT


PROF. YEMI OSINBAJO, SAN, GCON
Acting President of the Federal Republic of Nigeria
3rd Day of February, 2017

MUHAMMADU BUHARI, GCFR

President of the Federal Republic of Nigeria

Day of January, 2017