



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

NIGERIA POLICE TRUST FUND (ESTABLISHMENT, ETC.) BILL, 2019
(HB. 894)

A
BILL FOR

AN ACT TO ESTABLISH THE NIGERIA POLICE TRUST FUND AND FOR RELATED MATTERS, 2019

FIRST READING	WEDNESDAY, 9 TH MAY, 2018
SECOND READING	TUESDAY, 9 TH APRIL, 2019
THIRD READING AND PASSAGE	TUESDAY, 9 TH APRIL, 2019

NIGERIA POLICE TRUST FUND (ESTABLISHMENT, ETC.) BILL, 2019



Arrangement of Clauses

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AN ACT TO ESTABLISH THE NIGERIA POLICE TRUST FUND AND FOR RELATED MATTERS, 2019 (HB. 894)

{ } Commencement.

PARTS 1 - OBJECTIVE, SCOPE AND DURATION

1. The objective of this Bill is to provide a legal framework for management and control of the special intervention fund established under section 3 of this Bill for training and retraining of personnel of the Nigeria Police Force and for the provision of State of the Art Security equipment and other related facilities for the enhancement of the skills of the personnel of the Nigeria Police in the handling of operational equipment and machineries. Objective.
2. The Trust Fund established under section 3 of this Bill covers all personnel of the Nigeria Police Force, including its auxiliary staff in Nigeria and abroad for the overall improvement and efficiency in the discharge of their duties and responsibilities. Scope and Duration.

(C) PART II – ESTABLISHMENT AND MANAGEMENT OF THE NIGERIA POLICE TRUST FUND

3. (1) There is established a Fund to be known as the Nigeria Police Trust Fund (in this Bill referred to as "the Trust Fund"). Establishment of the Nigeria Police Trust Fund.
- (2) The Trust Fund:
- (a) is a body corporate with a common seal; and
- (b) may sue and be sued in its corporate name.
4. (1) The Trust Fund shall comprise of: Sources of the Trust Fund.
- (a) an amount constituting half percentage (0.5%) of the total revenue accruing to the Federation Account;
- (b) a levy of 0.005% of the net profit of companies operating business in Nigeria;
- (c) any take-off grant and special intervention funds as may be provided by the Federal, State and Local Government of the Federation;
- (d) such moneys as may be appropriated to meet the objective of this Bill by the National Assembly in the Federal budget;
- (e) aids, grants and assistance from international bilateral; and multilateral agencies, non-Governmental organizations and the private sector;
- (f) grants, donations, endowments, bequests and gifts, whether of money, land or any other property whatsoever, from any source;
- (g) monies derived from investment made by the Trust Fund; and
- (2) The sources of monies referred to in the paragraphs (e) and (f) of subsection (1) of this

section shall be acceptable to the Trust Fund except where the terms and conditions attached to an aid, grant, donation or gift are inconsistent with the objective of the Trust Fund and the provisions of this Bill.

5. The Trust Fund shall be utilized:

Purpose of the Trust Fund.

(a) for meeting the training and re-training needs of the personnel of the Nigeria Police Force and its auxiliary staff within and outside Nigeria;

(b) for the enhancement of the skills of the personnel of the Nigeria Police Force and its auxiliary staff for improved proficiency in the use of operational equipment and machineries;

(c) for the overall improvement, performance and efficiency in the discharge of the duties and responsibilities of the Nigeria Police Force;

(d) for the purchase of equipment, machineries, including operational vehicles for the Nigeria Police Force;

(e) for the construction of police stations, provision of living facilities, such as quarters or barracks for the Nigeria Police Force;

(f) to finance the procurement of books, instructional materials, training equipment for use at Police Colleges and such other similar training institutions;

(g) to meet the cost of participation by the personnel of the Nigeria Police Force at seminars and conferences relevant to or connected with policing or intelligence gathering; and

(h) for such other purposes incidental to or connected with the attainment of objective of this Bill.

6. The Trust Fund shall:

Functions of the Trust Fund.

(a) receive all monies accruing to the Fund under the provisions of this Bill;

(b) utilize all monies accruing to the Trust Fund under this Bill to meet the stated objectives of this Bill; and

(c) carry out such other activities as considered necessary for the attainment of the objectives of this Bill. Term of three years in the first instance and may be eligible for re-appointment for another term of three years and no more.

(2) Members of the Board shall be paid such allowances as may be determined by the Board in consultation with the National Salaries, Wages and Income Commission.

7. A member, other than ex-officio member, may resign his appointment by a notice in writing, under his hand, addressed to the President. Resignation by a Member.

8. A member of the Board ceases to hold office if he: Cessation of Membership.

- (a) becomes of unsound mind;
- (b) becomes bankrupt or makes compromises with his creditors;
- (c) is convicted of a felony or any offence involving dishonesty; or
- (d) is guilty of corrupt practices or misconduct in relation to his duties.

(2) A member of the Board of Trustees may be removed from office by the President if he is satisfied that it is not in the interest of the Fund or the Public that the member should continue in that office.

(3) A member of the Board of Trustees, other than an ex-officio, may resign his appointment by a notice in writing under his hand, addressed to the President.

(4) Where a vacancy occurs in the membership of the Board of Trustees, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so that the successor shall represent the same interest and shall be appointed by the President.

9. Notwithstanding the provisions of sections 9 and 10 of this Bill, the President may remove a member from the Board if any circumstance which borders on corruption and other activities that negates the interest and security of the nation would require the removal of the member from the Board.

Removal from Office
of a Member.

10. The Board shall be responsible for:

Functions of the
Board.

- (a) setting out the policies and programs for the training and training of personnel of the Nigeria Police Force and its auxiliary staff in Nigeria and abroad in accordance with intentment of this Bill;
- (b) approving the disbursement of monies from the Trust Fund to Finance projects or activities of the Nigeria Police Force and of the police institutions beneficiaries of the proceeds of Trust Fund;
- (c) scrutinizing and approving projects which qualify for financing under the Bill;
- (d) exercising control over the management of the Trust Fund with a view to ensuring accountability and proper utilization of money in the Trust Fund for the purposes set out in this Bill;
- (e) carrying out such other activities as are considered necessary for the attainment of the objectives of this Bill.
- (f) updating the Federal Government on its activities and progress through annual and audited reports;
- (g) reviewing progress and suggesting improvement within the provisions of this Bill;

(h) making and issuing guidelines, from time to time, to all beneficiaries on disbursement from the Fund on the use of monies received from the Fund; and

(i) generally regulating the administration, application and disbursement of monies from the Fund under this Bill.

11. (1) The Board has powers to:

Powers of the Board.

(a) award contracts of any kind or description for any amount, whether in local or foreign currency in conformity with the due process requirements as provided under any law, rules, guidelines or regulations; and

(b) invest monies accruing to the Trust Fund and approve the utilization of the returns on investment in the same way as monies accruing to the Trust Fund.

(2) In the discharge of its functions under this Bill the Board shall:

(a) through the Ministry, identify the funding needs of the various Police institutions for the enhancement of the performance of the Nigeria Police Force;

(b) enter into contractual arrangements of the purpose of executing of approved projects on behalf of the Trust Fund;

(c) oversee the implementation of projects financed through monies accruing to the Trust Fund; and

(d) enter into Public-Private Partnership and private finance initiative arrangements and agreements necessary for project execution.

12. (1) For the purpose of implementing any project approved by the Board under this Bill, there is established the Police-Trust fund Project Implementation Committee (in this Bill referred to as the implementation committee).

Establishment of the
Police Trust Fund
Project
Implementation
Committee.

(2) The implementation committee established under subsection (1) of this section is comprised of:

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

(b) such other member, not exceeding six in number, with proven integrity, to be appointed by the Board.

(3) The implementation Committee is responsible to the Board in the execution of the duties and responsibilities assigned to it by the Board.

PART III - STAFF OF THE TRUST FUND

13. (1) The Executive Secretary of the Trust Fund shall be appointed by the president on the recommendation of the Minister.

Appointment of the
Executive Secretary
and other Staff of the

Trust Fund.

(2) The Executive Secretary shall:

- (a) be a person of unquestionable character and integrity; and
- (b) have qualifications and experience as are appropriate for a person required to perform the functions of that office under this Bill; and

(3) The Executive Secretary shall hold office:

- (a) for a time of three years in the first instance and may be eligible for re- appointment for another term of three years and no more; and
- (b) on such other terms and conditions as may be specified in his letter of appointment.

15. The Executive Secretary shall:

Functions of the Executive Secretary.

- (a) be the Chief Executive and Accounting Officer of the Trust Fund;
- (b) be responsible for the day to day administration of the Trust Fund;
- (c) be the secretary to the Board;
- (d) keep proper records of the proceedings of the Board;
- (e) work closely with the implementation committee established under section 12 of this Bill in carrying out such duties and responsibilities as may be assigned by the Board;
- (f) be in charge of the general direction and control of all other employees of the Fund; and
- (g) carry out such other duties as may be requested of him by the Board.

16. (1) Notwithstanding the provision of section 13 of this Bill, the Executive Secretary may be removed from office by the President where any circumstances arises which in the opinion of the President makes the Executive Secretary no longer capable of carrying out the duties and responsibilities of the office.

Removal of the Executive Secretary.

(2) A person appointed as the Executive Secretary on the removal of an Executive Secretary under sub-section (1) of this section shall serve the unexpired period of the term of his predecessor-in -office or the remainder of the term of the Trust Fund, whichever is shorter.

16. (1) The Board may appoint such other members of staff as may in the opinion of the Board be necessary to assist the Trust Fund in carrying out its functions under this Bill. Staff of the Board.

(2) The terms and conditions of service (including terms and conditions as to the remuneration, payment of allowances, and other benefits) of person employed by the Board for the Trust Fund shall be in line with the general conditions of Service as obtainable in the Public Service of the Federation.

(3) The Board shall have power to appoint, either on transfer or on secondment from any public service of the Federation, such number of employees required for the effective discharge of the duties and function of Trust Fund under this Bill.

17. Service in the Trust Fund shall be for the duration of the Trust Fund and accordingly employees of the Trust Fund, in respect of their services as shall be entitled to other retirement benefits and severance allowances as shall be approved by the Board Severance Allowance.

PART IV — FINANCIAL PROVISIONS

18. There is established under this Bill a general fund for the day to day administration of the Trust Fund comprising of:
- (a) annual budgetary allocation appropriated by National Assembly for the management of the Trust Fund;
 - (b) take -off grants such other monies as may from time to time be made available to the Trust Fund to meet the cost of administration; and
 - (c) all other monies which may from time to time to be made available for the running of the Trust Fund.
19. (1) There shall be maintained for the Trust Fund an account into which shall be paid all monies accruing to the Trust Fund by virtue of the provision of section 4 of this Bill. Accounts of the Trust Fund.
- (2) The Board shall also open and maintain an account into which shall be paid monies received for management of the Trust Fund by virtue of the provision of section 22 of this Bill.
- (3) The accounts referred to in subsections (1) and (2) of this section shall be managed in accordance with the extant financial regulations.
- (4) The Board shall from time to time:
- (a) apply the proceeds of the Trust Fund established under section 3 of this Bill for the purposes set out in section 5 of the Bill; and
 - (b) apply the proceeds of the monies referred to in subsection (2) of this section to meet the cost of administration, including payment of salaries, fees and other remunerations and allowances payable to members of the Board and employees of the Trust Fund, and for Payment of experts, professionals and consultants engaged by the Board for Trust Fund.
20. The Board shall not later than 30th June of every year submit to the Minister an estimate of its income and expenditure during the succeeding year. Budgetary Provisions and Estimates.
21. The Board shall cause to be kept for the Trust Fund proper accounts and records, and when certified by the Board, these accounts shall be audited by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation. Annual Estimates Account and Audit

22. (1) The Trust Fund shall be exempted from the payment of income tax on any income accruing from investments made by the Trust Fund or otherwise howsoever. Exemption from Tax.

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

PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS

23. The Board shall at the end of every three months submit to the President a report on its activities and on the administration of the Trust Fund. Quarterly Report.

24. The Board shall not later than three months before end of each year, submit to the President a report on the activities and the administration of the Trust Fund during the preceding year and, shall include in such reports the auditor's report thereon. Annual Report.

25. The President may give to the Board directives of a general nature with regard to the exercise by the Board of its functions under this Bill for compliance by the Board. Power of the President to Issue Directives.

26. The Board, may, with the prior approval of the President make such regulations as deemed necessary or expedient for giving full effect to the provisions of this Bill. Regulations.

27. Except as provided for under section 2 of this Bill, at the expiration of the six year duration of the Trust Fund referred to in that section, the Trust Fund shall have six months to wind up its activities, including the settlement of all liabilities and thereafter and-over all outstanding assets of the Trust Fund to the Nigeria Police Force. Transitional Provisions.

28. In this Bill, unless the context otherwise require: Interpretation.

"Board" means the Police Trust Fund Management Board, established under section 6 of this Bill;

"Trust Fund" means the Nigeria Police Trust fund establish under section 3 of this Bill;

"Minister" means the Minister charged with responsibility for Police Affairs and Ministry shall be construed accordingly;

"Personnel" means officers and men of the Nigerian Police Force, its auxiliary staff and all of its staff, employees or officers within and outside Nigeria;

"Police Institutions" include the Police Headquarters ,Zonal Commands, State Commands, Divisional Police Stations and Police Training Institutions;

"President" and "Vice President" means "President" and "Vice -President" of the Federal Republic of Nigeria;

"Executive Secretary" means the Executive Secretary of the Trust Fund appointed under section 17 of this Bill;

"Due process" means compliances with extant financial rules and regulations on Public Procurement of goods, works and services.

29. This Bill may be cited as the Nigeria Police Trust Fund (Establishment) Bill, 2019.

Citation.

SCHEDULE

Schedule.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

1. Subject to the provisions of this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of its committee.
2. The quorum of the Board shall be the Chairman and ten other members, three of whom shall be from the private sector and the Board shall determine the quorum of any committee.
3. The Board shall meet not less than four times in each year and subject thereto the Board shall meet whenever it is summoned by the Chairman, or if the Chairman is required to do so by notice given to him by not less than ten members of the Board, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice was given.
4. At any meeting of the Board, the Chairman shall preside but in his absence, the members present at the meeting shall appoint one of their members to preside at the meeting.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt the person to the Board for such period as it thinks fit, but a person who is in attendance by virtue of this sub-paragraph is not entitled to vote at any meeting of the Board and does not count towards a quorum.
6. All members of the Board shall have equal rights and privileges, and where there is equality in vote, the Chairman shall have a casting vote.

Committees

7. The Board may appoint such number of committees to carry out, on behalf of the Board such of its functions as the Board may, from time to time, determine.
8. A committee appointed under paragraph 7 of this schedule shall consist of such number of persons (not necessarily members of the Board) as may be determined by the Board, and the person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment.
9. A decision of a committee of the Board shall be of no effect until it is confirmed and or ratified by the Board.

Miscellaneous

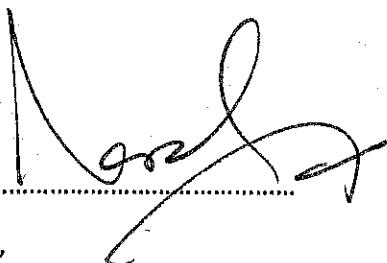
10. The fixing of the seal of the Fund shall be authenticated by the signature of the Chairman or of any other person authorized generally or specially to act for that purpose by the Board.

11. Any contract or instrument made or executed by a person not being a body corporate, that would not be required to be under seal may be made or executed on behalf of the Board by the Chairman or any person generally or specifically authorized to act for that purpose by the Board.
12. Any document purporting to be a document duly executed under the seal of the Trust Fund shall be received in evidence and shall, unless, and until the contrary is proved, be presumed to be so executed.
13. The validity of any proceeding of the Board or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or committee

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Police Trust fund to among other things, provide funds for the training and retraining of the personnel of the Nigeria Police Force, provide State of the Art Security equipment and machineries to improve the general welfare of the personnel of the Nigeria Police Force and enhance their preparedness to effectively discharge their constitutional responsibility of protecting life and property of the people of Nigeria.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 9TH APRIL, 2019



President,
Senate of the Federal Republic of Nigeria.



Clerk,
Senate of the Federal Republic of Nigeria.