

THE BILL (SIGNED)

NIGERIANS IN DIASPORA COMMISSION (ESTABLISHMENT) ACT, 2017

EXPLANATORY MEMORANDUM

This Act establishes the Nigerians in Diaspora Commission to provide for the engagement of Nigerians in diaspora in the policies, projects and participation in the development of Nigeria for the purpose of utilising the human capital and material resources of Nigerians in diaspora towards the overall socio-economic, cultural and political development of Nigeria.



# NIGERIANS IN DIASPORA COMMISSION (ESTABLISHMENT) ACT, 2017

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NIGERIANS IN DIASPORA COMMISSION (ESTABLISHMENT) ACT, 2017

A Bill

For

An Act to establish the Nigerians in Diaspora Commission, provide for the engagement of Nigerians in diaspora in the policies, projects and participation in the development of Nigeria and for the purpose of utilising the human capital and material resources of Nigerians in diaspora towards the overall socio-economic, cultural and political development of Nigeria; and for related matters.

[ ] Commencement

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

PART I — ESTABLISHMENT OF THE NIGERIANS IN DIASPORA COMMISSION

1) There is established for the Federation, the Nigerians in Diaspora Commission (in this Act referred to as the “Commission”) which shall —

Establishment of the Nigerians in Diaspora Commission.

(a) be under the Federal Ministry of Foreign Affairs; and

(b) be constituted in accordance with and have such powers and functions as conferred on it by this Act.

(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;

(c) may, for the purposes of its functions, acquire, hold or dispose of property (whether moveable or immovable); and

(d) is a designated Commission in Nigeria charged with the responsibility for coordinating and providing an organised system of collaborations of Nigerians in diaspora for their contributions by identifying, preserving and mobilising the human capital and material resources and expertise to the general development of Nigeria.

(1) There shall be for the Commission a Governing Board (in this Act referred to as “the Board) which shall consist of—

Composition of the Board.

(a) a chairman who shall —

(i) be the chief executive and accounting officer of the



Commission,


(ii) be a person of high integrity, and

(iii) possess not less than 15 years experience in public service;

(b) a representative each from —

(i) the Ministry of Foreign Affairs, and

(ii) the Civil Service, not below the rank of a Director;

 (c) 2 representatives each from Nigerians in Diaspora Organisations (NIDO) in —

(i) North America,

(ii) South America

(iii) Asia,


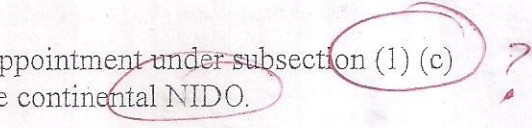
(iv) Oceania,

(v) Africa, and

(vi) Europe;

(d) a legal practitioner at least 10 years post-call experience.

(2) The Chairman and members of the Commission shall be appointed by the President subject to confirmation by the Senate.

 (3) Notwithstanding the provision of this section, the appointment under subsection (1) (c) shall be on recommendations made by the respective continental NIDO. 

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

The Chairman and members of the Commission shall hold office for a period of 4 years and may be re-appointed for a further term of 4 years and no more. Tenure of office.

The Board shall be responsible for the general administration of the Commission and, in particular, shall — Functions of the Board.

(a) formulate general policies for the regulation and development of the Commission and the achievement and exercise of the functions of the Commission;

(b) approve the audited and management accounts of the



Commission;

- (c) appoint auditors for the Commission;
- (d) consider and approve the annual budget of the Commission as may be presented to it by the management;
- (e) appoint, promote, terminate and exercise disciplinary control over the staff of the Commission;
- (f) establish zonal offices of the Commission; and
- (g) carry out such other activities as are necessary and expedient for the purpose of achieving the objectives of the Commission.

The Commission shall have its head office in the Federal Capital Territory and other offices in any part of Nigeria as may be determined by the Board. Head office of the Commission.

Notwithstanding the provisions of section 4, a member of the Board ceases to hold office if Cessation of office.

- (a) becomes of unsound mind;
- (b) becomes bankrupt or makes a compromise with creditors;
- (c) is convicted of a felony or any offence involving dishonesty;
- (d) is guilty of serious misconduct in relation to his duties; or
- (e) is a person who has a professional qualification, and is disqualified or suspended, other than at his own request, from practicing his profession in any part of Nigeria by the order of any competent authority made in respect of him personally.

Where a vacancy occurs in the membership of the Commission —

Vacancy in membership.

- (a) it shall be filled by the appointment of a successor to hold office for the remaining term of office of his predecessor; and
- (b) the successor so appointed shall represent the same geographical zone or the continent as the case may be, and the interest of his predecessor.

## PART II — FUNCTIONS OF THE COMMISSION

Powers of the Commission.

The Commission shall have power to —

- (a) manage the funds, with respect to the day-to-day running of the Commission;



- (b) mobilise and execute programmes that will compliment and advise the Federal Government on major areas of accelerated development;
- (c) formulate policies as the Commission may, from time to time, determine;
- (d) co-ordinate and harmonise all continental Nigeria Diaspora Organisations;
- (e) advise the Government at all levels on matters related to this Act;
- (f) carry out trainings for the staff of the Commission;
- (g) set-up a world-wide council (consisting of continental, regional and local leaderships);
- (h) reach out to Nigerian communities abroad through their various groups, organisations and professionals bodies;
- (i) articulate its mandate and that of the Government properly and widely;
- \* (j) strengthen the existing administrative set-up of the NIDO;
- \* (k) work in concert with the NIDO, professional sub-committees, sub-committees on the professional groups and the various socio-cultural groups; and
- (l) design criteria for membership participation.

) There shall be established such Departments as the Board may deem fit.

Departments of the Commission.

) The functions of the Departments shall be determined by the Board.

### PART III — STAFF OF THE COMMISSION

1) There is established for the Commission a Secretariat which shall be headed by the Secretary and whose appointment shall be by the President.

Appointment of the Secretary and other staff of the Commission.

2) The Secretary shall be -

- (a) the head of the Secretariat of the Commission;
- (b) responsible for the administration of the Secretariat and the keeping of the books and records of the Commission;
- (c) appointed for a term of 4 years in the first instance and may be reappointed for a further term of 4 years subject to satisfactory



performance; and

(d) subject to the supervision and control of the Chairman and the Commission.

3) The Commission may appoint such other staff or second officers from government ministries, embassy, mission or such other private or public service as it may deem necessary to assist the Commission in the performance of its functions under this Act.

4) The staff of the Commission appointed under subsection (3) of this section shall be appointed upon such terms and conditions as the Commission may, after consultation with the Federal Civil Service Commission, determine.

(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, the regulations may provide for

Staff regulations.

(a) the appointment, promotion and discipline of employees of the Commission; and

(b) appeals by such employees against disciplinary measures, and until the regulations are made, any instrument relating to the conditions of service of officers in the Civil Service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Commission.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Commission, and when so approved, the regulations may not be published in the Federal Government Gazette but the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may determine.

Service in the Commission shall be public service for the purposes of the Pensions Reforms Act and, accordingly, officers and other persons employed in the Commission shall, in respect of their service in the Commission, be entitled to pension and gratuities.

Pensionable service.  
Act, No.4, 2014.

The Commission shall initiate, develop or improve specific training programmes for its officers and other personnel, charged with the responsibility for the implementation of the Commission's programmes created by this Act and such programmes shall include -



Training programme.

(a) methods used in attending to and collecting information about the NIDO members, professional group members and socio-cultural groups for the purpose of registration and storage of their proposals as specified and created under this Act;

(b) mobilisation framework and parameters that will articulate proposals of the NIDO members or organisations, professional groups and socio-cultural organisations;

(c) mobilisation of elected members;



- (d) clear definition of goals;
- (e) qualifying attributes for membership and participation;
- (f) definition of settings for mobilisation activities;
- (g) listing of tools needed to employ for effective mobilisation;
- (h) funds for mobilisation;
- (i) techniques to be used by persons involved in implementing the programmes created under this Act, including the offences thereto and appropriate counter-measure;
- (j) detection and monitoring of the movement of funds and proceeds and property derived from Governments and endowment fund intended to be used by the Commission;
- (k) methods used for the transfer, concealment or disguise of such proceeds, property or instruments;
- (l) law enforcement techniques;
- (m) custody of records;
- (n) legal prosecution, representation and defence;
-  (o) dissemination of information on the NIDO members or its organisation.
- (p) membership recruitment through regional conferences, individual contact, or special meetings with existing groups;
-  (q) improved administrative facilities at the NIDO Continental Headquarters in Washington DC area (NIDO America), London (NIDO Europe), Singapore (NIDO), Asia and Accra or Johannesburg (NIDO Africa);
- (r) improved administrative facilities at the professional groups and socio-cultural groups headquarters all over the world; and
- (s) creation of awareness through press and other media.

#### PART IV — FUNDS AND FINANCIAL PROVISIONS OF THE COMMISSION

- (1) The Commission shall establish and maintain a fund from which all expenses incurred by the Commission shall be defrayed. Fund of the Commission.



The Fund shall consist of funds derived from but not limited to the following source

- (a) such money as may be appropriated by the National Assembly or granted or contributed by a State, local government, statutory body, international body, international donor agency, non-governmental organisation and membership dues;
- (b) fees charged by the Commission under this Act;
- (c) interests on investments made from the operation of the Commission; and
- (d) all other assets that may accrue to the Commission.

Subject to section 14 of this Act, money in the Fund which may, at any time be surplus to the current needs of the Commission shall be invested in such securities as may be approved by the Board.

Investment of money in the Fund.

- 1) The Commission may, in accordance with the general guidelines or authority given by the Government of the Federation, borrow, by way of loan or overdraft, from any source, any money required by the Commission to meet its obligations and its functions under this Act.
- 2) The Commission may, subject to the provisions of this Act and condition of trust in respect of funds held or any property owned by the Commission, invest some of the funds with the approval of the Federal Government.
- 3) Without prejudice to the power of the Commission to set aside from the Fund appropriate amounts for replacements, contingencies or other purposes, the Commission may establish and maintain a general reserve.
- 4) The management of the general reserve, the sums to be carried from time to time to the credit of the general reserve, the charges to be made against the general reserve and any other application of the funds of the Commission comprised therein, shall be as the Commission may, with the approval of the Minister, determine.
- 5) No part of the money comprised in the general reserve shall be applied otherwise than for the purposes of this Act.

Powers to borrow and invest.

- 1) The Commission shall keep proper records of its accounts and shall prepare in respect of each financial year a statement of accounts of the Commission as the Minister may direct.
- 2) The accounts of the Commission shall be audited by auditors appointed from the list of auditors and in accordance with the guidelines laid down by the Auditor-General of the Federation.
- 3) As soon as the accounts of the Commission have been audited, the Commission shall furnish a copy of the statement of accounts to the President and the National Assembly

Accounts and audit.



through the Minister, together with a copy of any report made by the auditors on their statement or on the accounts.

) The Commission shall prepare and submit to the Minister not later than the last day of May in each financial year a report in such form as the Minister may direct on the activities of the Commission during the last preceding financial year, and shall include in the report a copy of the audited accounts for the last preceding financial year and of the auditor's report of those accounts. Annual report.

2) The Minister shall cause copies of each report made to him under this section to be laid before the President and each of the Houses of the National Assembly, respectively.

1) The Commission may accept gifts of property (including interests in land) money and other assets upon such terms and conditions (if any) as may be specified by the person or organisation making the gift. Powers to accept gifts.

2) The Commission shall not accept any gift if the conditions attached by the donor are inconsistent with the functions and objectives of the Commission.

#### PART V — LEGAL PROCEEDINGS

(1) 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 member or officer or employee of the Commission. Limitation of suit against the Commission  
Cap. P41 LFN, 2004.

(2) Notwithstanding anything contained in any other law or enactment, no suit against a member of the Board, the Executive Secretary or any other officer or employee of the Commission, for any act done in pursuance or execution of this Act or any other law or enactment, or of any public duties or authority or in respect of any alleged neglect or default in the execution of this Act or any other law or enactment, duties or authority, shall lie or be instituted in any court unless it is commenced —

(a) within 3 months after the act, neglect or default complained of;  
or

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

(3) No suit shall be commenced against a member of the Board, the Executive Secretary or any other officer or employee of the Commission before the expiration of a period of one month after written notice of the intention to commence the suit shall have been served on 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-

(a) the cause of action;

(b) the particulars of the claim;



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

(d) the relief which he claims.

A notice, summons or other document required or authorised to be served on the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post addressed to the Executive Secretary at the principal office of the Commission.

Service of document.

(1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission unless not less than 3 months' notice of the intention to execute or attach has been given to the Commission.

Restriction on execution against property of the Commission.

(2) Any sum of money which by the judgment of any court, has been awarded against the Commission shall, subject to any direction given by the court where no notice of appeal against the judgment has been given, be paid from the Account of the Commission.

### PART VII — MISCELLANEOUS

The Minister may give directives in writing to be served on a Director of a Department, requiring the Director to furnish the Minister with all information within his power relating to such matters connected with any activity of the Department as may be specified in the directives and the Director shall comply with the requirements of the directives.

Directives by the Minister, etc.

An official or employee of the Commission shall be indemnified out of 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 officer or employee of the Commission.

Indemnity of Commission's officials.

The Board may make regulations, rules or orders to give full effect to the provisions of this Act.

Regulations.

In this Act—

Interpretation.

"apter" refers to the umbrella body of the Continental NIDO, professional group, socio-cultural group or agency or other similar body established and maintained by government for a purpose;

"Department" means the Department in the Commission established under section 9 (1) of this Act;

"function" includes power and duty;

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

"NIDO" means Nigerians in Diaspora Organisation;

"professional and socio-cultural groups" means the professional and socio-cultural groups duly



## SCHEDULE

Section 2 (4)

### PROCEEDINGS OF THE BOARD OF THE COMMISSION

- 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) 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 the meeting.
- 3) The quorum for the meeting of the Board of the Commission shall be 5 members.
- 4) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt that person as a member for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

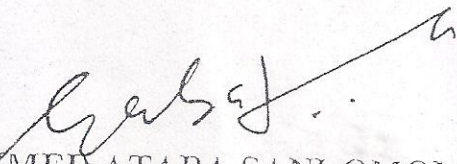
### *Committee*

- 1) The Commission may set up one or more standing or ad-hoc Committees to carry out on its behalf such of its functions as it may determine.
- (2) A committee set up under this paragraph shall consist of such number of persons (not necessarily members of the Commission) as may be determined by the Commission; and a person other than a member of the Commission shall hold office on the Committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Commission shall be of no effect until it is ratified by the Board.
- (4) The quorum of a meeting of the Committee of the Commission shall be as determined by the Board.
- (5) The Chairman shall have casting vote.

Any member of the Commission and any person holding office on a Committee of the Commission who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a committee thereof shall forthwith disclose his interest to the Commission and shall not vote on any question relating to the contract or arrangement.



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

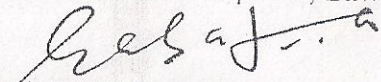
2<sup>nd</sup> DAY OF JUNE, 2017

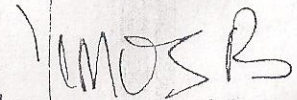


Schedule to the Nigerians in Diaspora Commission (Establishment) Bill, 2017

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
Nigerians in Diaspora Commission (Establishment) Bill, 2017.	An Act to establish the Nigerians in Diaspora Commission, provide for the engagement of Nigerians in diaspora in the policies, projects and participation in the development of Nigeria and for the purpose of utilising the human, capital and material resources of Nigerians in diaspora towards the overall socio-economic, cultural and political development of Nigeria; and for related matters.	This Bill establishes the Nigerians in Diaspora Commission to provide for the engagement of Nigerians in diaspora in the policies, projects and participation in the development of Nigeria and for the purpose of utilising the human, capital and material resources of Nigerians in diaspora towards the overall socio-economic, cultural and political development of Nigeria.	30 <sup>th</sup> March, 2017	7 <sup>th</sup> June, 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  
 2<sup>nd</sup> Day of June, 2017

  
 PROF. YEMI OSINBAJO, SAN, GCON  
 Acting President of the Federal Republic of Nigeria

ASSENT

This 2<sup>nd</sup> day of June 2017

MUHAMMADU BUHARI, GCFR  
 President of the Federal Republic of Nigeria  
 Day of June, 2017