

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN PARAMILITARY SERVICES TRUST FUND FOR THE PURPOSE OF TRAINING, PROVISION OF SECURITY EQUIPMENT, AND RELATED FACILITIES, ENHANCING THE SKILLS OF THE PERSONNEL OF THE NIGERIAN PARAMILITARY SERVICES AND FOR RELATED MATTERS, 2023

Sponsored by Hon. Ibrahim Almustapha Aliyu

[] Commencement

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

1 PART I - OBJECTIVE, APPLICATION AND DURATION

2 1. The objective of this Bill is to provide a legal framework for Objective
3 management and control of the special intervention fund established under
4 section 3 of this Act for platform acquisition, provision of state of the art
5 security equipment and other related facilities for Nigerian Paramilitary
6 Services and for the training and retraining of personnel for the
7 enhancement of the institutional capacities of the Nigerian Paramilitary
8 Services in handling operational equipment and machineries.

9 2.-(1) The Trust Fund established under section 3 of this Act covers Application and
10 all personnel of individual Paramilitary Services, including its auxiliary duration
11 staff in Nigeria and abroad for the overall improvement and efficiency in the
12 discharge of their duties and responsibilities.

13 (2) The Trust Fund is to operate for six years from the
14 commencement of this Act and it expires and ceases to exist after that period
15 unless it is extended for any further period by an Act of the National
16 Assembly.

	1	PART II - ESTABLISHMENT AND MANAGEMENT OF THE NIGERIAN
	2	PARAMILITARY SERVICES TRUST FUND
Establishment of the Nigerian Paramilitary Services Trust Fund	3	3. -(1) There is established the Nigerian Paramilitary Services Trust
	4	Fund (in this Act referred to as "the Trust Fund").
	5	(2) The Trust Fund-
	6	(a) is a body corporate with perpetual succession and a common seal;
	7	and
	8	(b) may sue or be sued in its corporate name.
Sources of the Trust Fund	9	4. The Trust Fund Shall consist of:
	10	(a) an amount constituting 3% of the total revenue accruing to the
	11	Federation Account;
	12	(b) 10% of the total sum generated by revenue generating
	13	paramilitary services in Nigeria;
	14	(c) a levy of 1% of the net profit of companies operating Business in
	15	Nigeria;
	16	(d) any take-off grants and special intervention fund as may be
	17	provided by the Federal, State and Local Government of the Federation;
	18	(e) such money as may be appropriated to meet the objective of this
	19	Act by the National Assembly in the budget;
	20	(f) aids, grants and assistance from international bilateral and
	21	multilateral agencies, non-governmental organizations and the private sector;
	22	(g) grants, donations, endowments, bequest and gifts whether of
	23	money, land or any other property from any source; and
	24	(h) money derived from investment made by the Trust Fund.
	25	(2) Subsection (1) (e) and (f) shall be acceptable to the Trust Fund
	26	except where the terms and conditions attached to an aid, grant, donation or gift
	27	are inconsistent with the objective of the Trust Fund and the Provisions of this
	28	Act.
	29	(3) The collection of these revenues shall be in accordance with extant
	30	financial regulations.

- 1 **5.** The Trust Fund shall be utilized- Purposes of the
Trust Fund
- 2 (a) for meeting the training and re-training needs of the personnel
- 3 of the Nigerian Paramilitary Services and their auxiliary staff within and
- 4 outside Nigeria;
- 5 (b) for the enhancement of skills of the personnel of the Nigerian
- 6 Paramilitary Services and its auxiliary staff for improved proficiency in the
- 7 use of operational equipment and machineries;
- 8 (c) for the overall improvement, performance and efficiency in the
- 9 discharge of the duties and responsibilities of Nigerian Paramilitary
- 10 Services;
- 11 (d) for the purchase of equipment, machineries, including
- 12 operational vehicles for the Nigerian Paramilitary Services;
- 13 (e) for the construction of office buildings, provision of living
- 14 facilities, such as quarters for Nigerian Paramilitary Services;
- 15 (f) to finance the procurement of books, instructional materials,
- 16 training equipment for use at training centers and such other training
- 17 institutions owned by individual Paramilitary Service;
- 18 (g) to meet the cost of participation by the personnel of the
- 19 Nigerian Paramilitary Services at seminars and conferences relevant to, or
- 20 connected with intelligence gathering; and
- 21 (h) for such other purpose incidental to, connected with, the
- 22 attainment of objective of this Act.
- 23 **6.-(1)** The Trust Fund shall- Functions of the
Trust Fund
- 24 (a) receive all money accruing to it under this Act;
- 25 (b) utilise all money accruing to the Trust Fund under this Act to
- 26 meet the stated objective of this Act; and
- 27 (c) carry out such other activities considered necessary for the
- 28 attainment of the objective of this Act.
- 29 (2) Members of the Board of Trustee shall be paid allowances as
- 30 may be determined by the Board of Trustee in consultation with the National

	1	Revenue, Mobilisation, Allocation and Fiscal Commission.
Establishment, composition and remuneration of Nigerian Paramilitary Services Trust Fund Board of Trustee	2	7. -(1) There is established the Nigerian Paramilitary Services Trust
	3	Fund Board of Trustee (in this Act referred to as "the Board of Trustee").
	4	(2) The Board of Trustee shall consist of-
	5	(a) a retired Head of each Paramilitary Service;
	6	(b) substantive heads of each Paramilitary Services or their
	7	representatives, as an ex-officio member;
	8	(c) a representative of the Federal Ministry responsible for -
	9	(i) paramilitary matters,
	10	(ii) justice; and
	11	(iii) finance.
	12	(d) a representative of the-
13	(i) civil society group,	
14	(ii) organised private sector; and	
15	(e) Secretary to the Board of Trustee.	
16	(3) A member of the Board of Trustee, other than an ex-officio	
17	member-	
18	(a) shall be appointed by the President;	
19	(b) shall hold office for three years in the first instance; and	
20	(c) may be reappointed for a another three years and no more.	
Resignation by a member	21	8. A member, other than ex-officio member, may resign his
	22	appointment by a notice in writing under his hand addressed to the President.
Cessation of Office	23	9. -(1) A member of the Board of Trustee ceases to hold office if he-
	24	(a) becomes of unsound mind;
	25	(b) becomes bankrupt or makes compromises with his creditors;
	26	(c) is convicted of a felony or any offence involving fraud dishonesty;
	27	(d) is guilty of corrupt practices or misconduct in relation to his duties.
	28	(2) A member of the Board of Trustees may be removed from office by
	29	the President if he is satisfied that it is not in the interest of the Trust Fund or
	30	Public that the member should continue in that office.

1 (3) Where a vacancy occurs in the membership of the Board of
2 Trustees, it shall be filled by the appointment of a successor to hold office for
3 the remainder of the term of office of his predecessor and the successor
4 shall-

5 (a) represent the same interest; and

6 (b) be appointed by the President.

7 (4) The provisions of the Schedule to this Act shall have effect with
8 respect to the meetings and proceedings of the Board of Trustee and other
9 related matters.

10 **10.** Notwithstanding the provisions of sections 8 and 9 of this Act,
11 the President may remove a member from the Board of Trustee if any
12 circumstance which borders on corruption and other activities that negates
13 the interest and security of the nation would require the removal of the
14 member from the Board of Trustee.

15 **11.** The Board of Trustee is responsible for-

16 (a) setting out the policies and programmes in furtherance of the
17 objectives of the Trust Fund under this Act;

18 (b) approving the disbursement of money from the Trust Fund to
19 finance projects or activities of the Nigerian Paramilitary Services and the
20 services Institutions which are beneficiaries of the proceeds of Trust Fund;

21 (c) scrutinising and approving projects which qualify for financing
22 under the Act;

23 (d) exercising control over the management of the Trust Fund with
24 a view to ensuring accountability and proper utilisation of money in the
25 Trust Fund for the purposes set out in this Act;

26 (e) carrying out other activities as are considered necessary for the
27 attainment of the objectives of this Act;

28 (f) updating the Federal Government on its activities and progress
29 through annual and audited reports;

30 (g) reviewing progress and suggesting improvement within the

Schedule

Removal from
office of membersFunctions of the
Board of Trustee

1 provisions of this Act;

2 (h) making and issuing guidelines, to all beneficiaries on
3 disbursement from the Trust Fund on the use of money received from the Trust
4 Fund; and

5 (i) generally regulating the administration, application and
6 disbursement of money from the Trust Fund under this Act.

Powers of the
Board of Trustee

7 **12.**-(1) The Board of Trustee has powers to-

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

12 (b) invest money accruing to the Trust Fund and approve the
13 utilisation of the returns on investment in the same way as money accruing to
14 the Trust Fund.

15 (2) In the discharge of its duty under this Act, the Board of Trustee
16 shall-

17 (a) through the Ministry, identify the funding needs of various
18 Nigerian Paramilitary Services institutions for the enhancement of the
19 performance of the Paramilitary Services roles;

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

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

24 (d) enter into public-private partnership and private finance initiative
25 arrangements and agreements necessary for the projects execution.

Establishment
of Paramilitary
Services Trust
Fund Project
Implementation
Committee

26 **13.**-(1) For the purpose of implementing any project approved by the
27 Board of Trustee under this Act, there is established the Nigerian Paramilitary
28 Services Trust Fund Project Implementation Committee (in this Act referred to
29 as "the Implementation Committee").

30 (2) The Implementation Committee shall consist of-

1 (a) an appointee of the Minister as Chairman; and
 2 (b) such other members, not exceeding six in number with proven
 3 integrity, appointed by the Board of Trustee.

4 (3) The Implementation Committee is responsible to the Board of
 5 Trustee in the discharge of duties and responsibilities assigned to it by the
 6 Board of Trustee.

7 PART III - EXECUTIVE SECRETARY AND STAFF OF THE TRUST FUND

8 **14.**-(1) The President shall appoint the Executive Secretary for the
 9 Trust Fund.

Appointment
Executive Secretary
and other staff
of the Trust Fund

10 (2) The Executive Secretary shall-
 11 (a) be a person of unquestionable character and integrity; and
 12 (b) have qualifications and experience as are appropriate for a
 13 person required to perform the functions of that office under this Act.

14 (3) The Executive Secretary shall hold office-
 15 (a) for a time of three years in the first instance and may be eligible
 16 for re-appointment for another term of three years and no more; and
 17 (b) on such other terms and conditions as may be specified in his
 18 letter of appointment.

19 **15.** The Executive Secretary shall-
 20 (a) be the Chief Executive and Accounting Officer of the Trust
 21 Fund;

Functions of the
Executive Secretary

22 (b) be responsible for the administration of the Trust Fund;
 23 (c) be the Secretary to the Board of Trustee;
 24 (d) keep proper records of the proceedings of the Board of Trustee;
 25 (e) work closely with the Implementation Committee in
 26 discharging duties and responsibilities as may be assigned to him by the
 27 Board of Trustee;

28 (f) be in charge of the general direction and control of all other
 29 employees of the Trust Fund; and

1 (g) discharge such other duties as may be directed by the Board of
2 Trustees.

Removal of the
Executive Secretary

3 **16.**-(1) The Executive Secretary may be removed from office by the
4 President where any circumstance arise which, in the opinion of the President,
5 makes the Executive Secretary no longer capable of discharging the duties and
6 responsibilities of the office.

7 (2) A person appointed as the Executive Secretary to replace the
8 former Executive Secretary shall serve the unexpired term of his predecessor in
9 office or the remainder of the term of the Trust Fund, whichever is shorter.

Staff of the Board
of Trustee

10 **17.**-(1) The Board of Trustee may appoint other staff as may, in the
11 opinion of the Board of Trustee, be necessary to assist the Trust Fund in
12 performing its functions under this Act.

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

18 (3) The Board of Trustee may appoint, either on transfer or
19 secondment from any Public Service of the Federation, the number of
20 employees required for the effective discharge of the duties of Trust Fund
21 under this Act.

Severance
allowance

22 **18.** Service in the Trust Fund shall be for the duration of the Trust
23 Fund and employees of the Trust Fund, in respect of their services, are entitled
24 to other retirement benefits and severance allowances as may be approved by
25 the Board of Trustee.

26 PART IV - FINANCIAL PROVISIONS

Fund of the Trust
Fund

27 **19.**-(1) There is established under this Act a general fund (in this Act
28 referred to as "the Fund") for the administration of the Trust Fund.

29 (2) The Fund shall consist of-

30 (a) annual budgetary allocation appropriated by National Assembly

1 for the management of the Trust Fund;

2 (b) take -off grants and such other money as may be made available
3 to the Trust Fund to meet the cost of administration; and

4 (c) all other money which may be made available for the running of
5 the Trust Fund.

6 **20.**-(1) There shall be maintained for the Trust Fund, an account
7 into which shall be paid all money accruing to the Trust Fund under section 4
8 of this Act.

Accounts of the
Trust Fund

9 (2) The Board of Trustee shall also open and maintain an account
10 into which shall be paid money received for management of the Trust Fund
11 under section 19 (2) of this Act.

12 (3) The accounts referred to in subsections (1) and (2) shall be
13 managed in accordance with the extant financial regulations.

14 (4) The Board of Trustee shall apply the proceeds of-

15 (a) the Trust Fund for the purposes set out in section 5 of the Act;
16 and

17 (b) the money referred to in subsection (2) to meet the cost of
18 administration, including payment of salaries, fees, other remunerations and
19 allowances payable-

20 (i) to members of the Board of Trustee and employees of the Trust
21 Fund; and

22 (ii) for payment of experts, professionals and consultants engaged
23 by the Board of Trustee for Trust Fund.

24 **21.** The Board of Trustee shall, not later than 30th June of every
25 year, submit to the Minister an estimate of its income and expenditure during
26 the succeeding year.

Estimates of
expenditure

27 **22.** The Board of Trustee shall cause to be kept for the Trust Fund
28 proper accounts and records and when certified by the Board of Trustee, the
29 accounts shall be audited by auditors appointed from the list and in

Account and
audit

	1	accordance with the guidelines supplied by the Auditor-General for the
	2	Federation.
Account and audit	3	23. -(1) The Trust Fund is exempted from the payment of income tax
	4	on any income accruing from investments made by the Trust Fund or
	5	otherwise.
	6	(2) The provisions of any enactment relating to the taxation of
	7	companies or trust funds do not apply to the Trust Fund.
	8	Exemption from tax
	9	PART V - SUBMISSION OF REPORTS AND SUPPLEMENTARY PROVISIONS
Quarterly report	10	24. The Board of Trustee shall, at the end of every three months,
	11	submit to the President a report on its activities and the administration of the
	12	Trust Fund.
Annual report	13	25. The Board of Trustee shall, not later than three months before end
	14	of each year, submit to the President a report on the activities and the
	15	administration of the Trust Fund during the preceding year and shall include in
	16	such reports the auditor's report.
Power of the President to issue directives	17	26. The President may give to the Board of Trustee directives of a
	18	general nature with regard to the performance by the Board of Trustee of its
	19	functions under this Act for compliance by the Board of Trustee.
Regulations	20	27. The Board of Trustee may, with the prior approval of the
	21	President, make such regulations deemed necessary or expedient for giving
	22	full effect to the provisions of this Act.
Transitional Provisions	23	28. Except as provided for under section 2 of this Act, at the expiration
	24	of the six year duration of the Trust Fund referred to in that section, the Trust
	25	Fund shall have six months to wind up its activities, including the settlement of
	26	all liabilities and thereafter handover all outstanding assets to the Ministry.
Interpretation	27	29. In this Act-
	28	"Board" means the Nigerian Paramilitary Services Trust Fund Management
	29	Board of Trustee, established under section 7 of this Act;
	30	"due process" means compliances with extant financial rules and regulations

1 on public procurement of goods, works and services;
2 "Executive Secretary" means the Executive Secretary of the Trust Fund
3 appointed under section 14 (1) of this Act;
4 "Minister" means the Minister charged with responsibility for Defence, and
5 Ministry shall be construed accordingly;
6 "personnel" means officers and men of individual Nigerian Paramilitary
7 Services, its auxiliary staff and all of its staff, employees or officers within
8 and outside Nigeria;
9 "President" mean President of the Federal Republic of Nigeria;
10 "Trust Fund" means the Nigerian Paramilitary Services Trust Fund
11 established under section 3 (1) of this Act.

12 **30.** This Bill may be cited as the Nigerian Paramilitary Services Citation
13 Trust Fund (Establishment) Bill, 2023.

1 SCHEDULE

2 *Section 9 (4)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD PROCEEDINGS

4 *Standing orders*

5 1. Subject to the provisions of this Act and section 27 of the
6 Interpretation Act, the Board of Trustee may make standing orders regulating
7 its proceedings or those of its committee.

8 *Quorum*

9 2. The quorum of the Board of Trustee shall be the Chairman and 10
10 other members, three of whom shall be from the private sector, and then
11 determine the quorum of any committee.

12 *Meetings*

13 3. The Board of Trustee shall meet at least four times in each year, and
14 the Board of Trustee shall meet whenever it is summoned by the Chairman, or
15 if the Chairman is required to do so by notice given to him by at least 10
16 members of the Board of Trustee, he shall summon a meeting of the Board of
17 Trustee to be held within 14 days from the date on which the notice was given.

18 *Chairman to preside*

19 4. At any meeting of the Board of Trustee, the Chairman shall preside
20 but, in his absence, the members present at the meeting shall appoint one of
21 them to preside at the meeting.

22 *Power to co-opt a person*

23 5. Where the Board of Trustee desires to obtain the advice of any
24 person on a particular matter, the Board of Trustee may co-opt the person to the
25 Board of Trustee for such period as it deem fit, but a person who is in attendance
26 by virtue of this subparagraph is not entitled to vote at any meeting of the Board
27 of Trustee and does not count towards a quorum.

28 *Casting vote*

29 6. All members of the Board of Trustee shall have equal rights and

1 privileges, and where there is equality in vote, the Chairman shall have a
2 casting vote.

3 *Committees*

4 7. The Board of Trustee may set up such number of committees to
5 perform, on behalf of the Board of Trustee such of its functions as the Board
6 of Trustee may determine.

7 *Constitution of committees*

8 8. A committee set up under paragraph 7 shall consist of such
9 number of persons (not necessarily members of the Board of Trustee as may
10 be determined by the Board of Trustee, and the person, other than a member
11 of the Board of Trustee, shall hold office on the committee in accordance
12 with the terms of his appointment.

13 *Ratification of decision*

14 9. A decision of a committee of the Board of Trustee is of no effect
15 until it is confirmed or ratified by the Board of Trustee.

16 *Miscellaneous*

17 10. The affixing of the seal of the Trust Fund shall be authenticated
18 by the signature of the Chairman or of any other person authorised generally
19 or specially to act for that purpose by the Board of Trustee.

20 *Execution of Instrument*

21 11. Any contract or instrument made or executed by a person not
22 being a body corporate, that would not be required to be under seal may be
23 made or executed on behalf of the Board of Trustee by the Chairman or any
24 person generally or specifically authorised to act for that purpose by the
25 Board of Trustee.

26 *Presumption of execution*

27 12. Any document purporting to be a document duly executed
28 under the seal of the Trust Fund shall be received in evidence and is, unless
29 the contrary is proved, presumed to be so executed.

1 *Validity of proceedings*

2 13. The validity of any proceeding of the Board of Trustee or
3 committee is not adversely affected by-

4 (a) any vacancy in the membership of the Board of Trustee or
5 committee;

6 (b) any defect in the appointment of a member of the Board of Trustee
7 or of a committee; or

8 (c) reason that a person not entitled to do so took part in the
9 proceedings of the Board of Trustee or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Paramilitary Services Trust Fund for the purpose of training, provision of security equipment, and related facilities, enhancing the skills of the personnel of the Nigerian Paramilitary Services.