



# **BORDER COMMUNITIES DEVELOPMENT AGENCY ACT (AMENDMENT) ACT, 2006**

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## **EXPLANATORY MEMORANDUM**

This Act amends the Border Communities Development Agency Act 2003 to provide for among other things:

- (a) a more acceptable source of funding for the Agency and reduce financial burden on the Federal Government, member States and border Local Governments in the funding of the Agency;
- (b) the tenure of members of the Board; and
- (c) the removal from office of members of the Board and the Executive Secretary of the Agency should the need to do so arises at any time before the expiration of their tenure.

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## **ARRANGEMENT OF SECTIONS**

1. Amendment of the Border Communities Development Agency Act, 2003
2. Amendment of section 2
3. Tenure of members of the Board
4. Removal of a member from office by the President

5. Resignation of appointment by a member of the Board
6. Cessation of membership of the Board
7. Amendment of section 3
8. Amendment of section 5
9. Removal of Executive Secretary from office by the President
10. Amendment of section 9
11. Funds of the Agency
12. Deletion of section 22
13. Short Title

AN ACT TO AMEND THE BORDER COMMUNITIES DEVELOPMENT AGENCY  
ACT 2003; AND FOR RELATED  
MATTERS

Commencement

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

1. The Border Communities Development Agency, Act 2003 ( in this Act referred to as " the Principal Act) is amended as set out in this Act.

Amendment of Section 2

2. Section 2 of the Principal Act is amended:
  - (a) in subsection (1) (c) thereof to include the following immediately after item (viii):
    - “(ix) the Federal Ministry of Power and Steel;
    - (x) the Federal Ministry of Science and Technology;

- (xi) the Federal Ministry of Environment;
  - (xii) the Federal Ministry of Agriculture and Rural Development; and
  - (xiii) the Ministry of Police Affairs;”
- (b) by inserting immediately after the existing subsection (1) (j) thereof the following subsection (1) (k):
- “ (k) the Executive Secretary of the Agency who shall serve as Secretary to the Board;”
- (c) by inserting immediately after the existing subsection (2) thereof the following new subsections (3)-(9):
- “Tenures of Members of the Board
- “ (3) Members of the Board other than ex-officio members:
- (a) shall hold office on such terms and conditions as may be specified in their letters of appointment;
  - (b) shall hold office for a term of four years in the first instance and may be re-appointed thereafter for a further term of four years and no more;
- (4) With the exception of the Executive Secretary, all members of the Board including ex-officio members shall serve on part-time basis.

#### Office by the President

- (5) Notwithstanding the provision 2(3) of this section, a member of the Board may at anytime be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or any other cause) or for misconduct.

#### Resignation of Appointment by a Member of the Board

- (6) A member of the Board may resign his appointment by a notice in writing under his hand and that member shall, on the date of the receipt of the notice by the President cease to be a member.

#### Cessation of Membership of the Board.

- (7) An ex-officio member of the Board shall cease to be a member upon vacation of his office on grounds of resignation, retirement from service, redeployment or for any other reason.
- (8) Notwithstanding the foregoing provisions of section 2 of this Act, a person shall cease to hold office as a member of the Board if:
  - (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
  - (b) he is convicted of a felony or any offence involving dishonesty or fraud; or
  - (c) he becomes of unsound mind, or incapable of carrying out his duties, or
  - (d) he is guilty of a serious misconduct in relation to his duties; or
  - (e) in the case of a person in possession of professional qualifications, having been disqualified or suspended, ( other than at his own request from practicing his profession in any part of the world) by an order of a competent authority made in respect of that member; or
  - (f) he resigns his appointment by a letter addressed to the President in accordance with section 5 of this Act."
- (9) Renumber the existing subsection (3) as subsection (9).

#### Amendment of Section 3

3. Section 3 of the Principal Act is amended by deleting the word " to" at the beginning of subsection (1) ( j).

## Amendment of Section 5

4. Section 5 of the Principal Act is amended:

(a) in subsection (1) by substituting therefor the following new subsection:

“(1) There shall be for the Agency, an Executive Secretary who shall be a Member and Secretary to the Board and shall be appointed by the President of the Federal Republic of Nigeria;”

(b) by inserting immediately after the existing subsection (3) thereof the following new subsections (4) and (5):

“Removal of Executive Secretary from office by the President

“(4) Notwithstanding the provisions of subsection (3) of this section, the Executive Secretary of the Agency, may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(5) The Executive Secretary of the Agency may resign his appointment by a notice in writing under his hand, addressed to the President and shall on the date of the receipt of the notice by the President cease to hold the office of the Executive Secretary.”

## Amendment of Section 9

5. Section 9 of the Principal Act is amended by substituting therefor the following new section:

“9. The Agency shall establish and maintain a fund into which shall be paid and credited:

(a) a take-off grant from the Federal Government;

(b) annual subvention from the Federal Government;

- (c) such counter-part funding as may be provided, from time to time by a State or Local Government;
- (d) loans and grants-in-aid from national, bilateral and multilateral agencies;
- (e) rents, fees and other internally generated revenues from services provided by the Agency; and

Deletion of Section 22

- (f) all other sums accruing to the Agency from time to time”

6. (1) Section 22 of the Principal Act is deleted.
- (2) Accordingly, the existing sections 23, 24 and 25 are renumbered as sections 22, 23 and 24 respectively.
7. Section 23 of the Principal Act is amended by deleting subsection (1) (c) thereof.

Short Title

8. This Act may be cited as the Border Communities Development Agency Act (Amendment) Act, 2006