



FAMILY ECONOMIC ADVANCEMENT PROGRAMME (ESTABLISHMENT, ETC.) ACT

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SCHEDULE

FAMILY ECONOMIC ADVANCEMENT PROGRAMME (ESTABLISHMENT, ETC.) ACT

An Act to establish the Family Economic Advancement Programme as an empowerment programme designed specifically for local based producers of goods and services and potential entrepreneurs.

[12th August, 1997]

[Commencement.]

PART I

Establishment of the Family Economic Advancement Programme

1. Establishment of the Family Economic Advancement Programme
 - (1) There is hereby established an empowerment programme designed specifically for local based producers of goods and services and potential entrepreneurs in the area of the establishment of cottage industries to be known as the Family Economic Advancement Programme (in this Act referred to "the Programme").
 - (2) The Programme-

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name.

2. Objectives of the Programme

The objectives of the programme shall be to-

- (a) provide basic working capital requirements for small scale farming and traditional processes as loans to the low income groups;
- (b) provide facility for the procurement of machinery and equipment for Nigerians to set up and run cottage and small scale industries;
- (c) encourage the design and manufacture of appropriate plants, machinery and equipment;
- (d) create employment opportunities at ward levels through the establishment of enterprises and pilot projects in the wards;
- (e) encourage producers of goods and services at ward levels to form co-operative societies;
- (f) utilise all available local resources for the benefit of Nigerians through improved production, preservation, etc.;
- (g) provide an enabling environment for private sector and United Nations Agencies participation in the Programme.

3. Target groups

The Programme is designed for-

- (a) all Nigerians and in particular, the low income families;
- (b) co-operative societies;

- (c) members of the armed forces, the Nigeria Police Force and the para-military services, who are directly engaged in productive agricultural activities and are registered with the Programme.

4. Benefits of the Programme

The benefits of the Programme shall be-

- (a) improved food production;
- (b) reduction in the wastage of farm products through improved methods of-
 - (i) food processing;
 - (ii) recycling;
 - (iii) preservation;
 - (iv) storage;
 - (v) packaging;
 - (vi) marketing;
- (c) reduction in the importation of processed foods, preservation of foreign exchange and enhanced opportunities for the exportation of locally processed foods;
- (d) effective utilisation of local mineral resources for the cottage industries;
- (e) creation of employment opportunities at the ward levels and reduction in rural-urban migration;
- (f) to act as catalyst for technological advancement through the fabrication of appropriate machineries;
- (g) development of technological self-reliance through training and exchange programmes; and (h) such other benefits as may be derived from time to time.

PART II

Establishment of the Governing Board

5. Establishment of the Governing Board

(1) There is hereby established for the management of the Programme, a Governing Board (in this Act referred to as "the Board") which shall, subject to this Act, have general control of the Programme. (2) The Board shall consist of-

- (a) a chairman;
- (b) six other persons to represent the six geo-political zones of the Federation;
- (c) one person to represent the office of the Secretary to the Government of the Federation; and
- (d) the Director-General of the Programme.

[1999 No. 43.]

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

[Schedule.]

6. Tenure of office

- (1) The members of the Board, other than ex-officio members, shall hold office for a term of three years in the first instance and may be reappointed for a further term of three years and no more.
- (2) The members of the Board shall be paid such allowances as the President may, from time to time, determine.

(3) A member of the Board, other than an ex-officio member, may resign his appointment by notice in writing under his hand, addressed to the President and which resignation shall take effect only upon acknowledgement by the President.

7. Cessation of membership

(1) A member of the Board shall cease to hold office if-

(a) he becomes of unsound mind; or

(b) he becomes bankrupt or makes a compromise with his creditors; or

(c) he is convicted of a felony or of any offence involving dishonesty; or

(d) he is guilty of serious misconduct in relation to his duties.

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

(3) Where a vacancy occurs in the membership of the Board, 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 however, that the successor shall represent the same interest and shall be appointed by the President.

8. Power of the Board

The Board shall have power-

(a) to manage and supervise the implementation of the Programme at the Federal, State, local and ward levels;

(b) for the overall policy formulation and general administration of the Programme and act in the name of the Programme;

(c) to disburse the moneys allocated to the Programme to the participating banks;

- (d) to arouse and sustain the interest of the Federal, State and local governments and the organised private sector in the activities of the Programme;
- (e) to plan, monitor and evaluate the Programme;
- (f) to provide appropriate application forms for registration of cooperative societies under the Programme;
- (g) to issue credit guidelines on the recommendation of the National Technical Advisory Committee established by section 9 of this Act;
- (h) to assign specific responsibilities to the Ministries and agencies represented on the Board;
- (i) to liaise with international organisations on methods of effecting cooperation to promote the objectives of the Programme;
- (j) to carry out such other activities as are necessary and expedient for the purpose of achieving the objectives of the Programme as set out in this Act.

9. Establishment of the National Technical Advisory Committee

There is hereby established for the Programme a National Technical Advisory Committee which shall consist of-

- (a) a chairman;
- (b) a representative of the Ministry of Agriculture and Rural Development not below the rank of a Director;
- (c) the Director-General, National Directorate of Employment;
- (d) the Director-General, Raw Materials, Research and Development Council;
- (e) the Director-General, Federal Environmental Protection Agency;
- (f) the Executive Director, Nigerian Export Promotion Council;

- (g) the Director, Federal Institute of Industrial Research, Oshodi;
- (h) the Chief Executive, Projects Development Agency;
- (i) the Director General, Standards Organisation of Nigeria;
- (j) the Director General, National Agency for Food, Drug Administration and Control;
- (k) the Managing Director, Ajaokuta Steel Rolling Mill;
- (l) the President, Manufacturers Association of Nigeria;
- (m) the President, Nigerian Association of Small Scale Industries;
- (n) the President, Nigerian Association of Small and Medium Enterprises;
- (o) the President, Nigerian Society of Engineers;
- (p) the Managing Director, Peoples Bank of Nigeria; and

[1999 No. 43.]

- (q) the Director-General of the Programme.
- (2) The members of the National Technical Advisory Committee, other than the Director General of the Programme, shall be appointed by the Board.
 - (3) For the attainment of the objectives of the Programme set out in section 2 of this Act, the National Technical Advisory Committee may, subject to provisions of paragraph 2 (3) of the Schedule to this Act, whenever it is expedient so to do, co-opt persons from Federal Ministries, Extra-Ministerial Departments and other bodies to serve on the National Technical Advisory Committee.
10. Functions of the National Technical Advisory Committee

- (1) The National Technical Advisory Committee shall be charged with the responsibility of-
 - (a) formulating credit guidelines for applicants and participating banks under the Programme;
 - (b) advising the Board on methods of implementing the objectives of the Programme;
 - (c) carrying on any activities as may be assigned to it, from time to time, by the Board.
- (2) The National Technical Advisory Committee shall have power to regulate its proceedings and may make standing orders with respect to the holding of meetings, the notice to be given, the procedure thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

11. Removal from office

The office of a member of the National Technical Advisory Committee shall become vacant if-

- (a) he becomes of unsound mind; or
- (b) he becomes bankrupt or makes a compromise with his creditors; or
- (c) he is convicted of a felony or of any offence involving dishonesty; or
- (d) he is guilty of serious misconduct in relation to his duties; or
- (e) he resigns his office by notice in writing under his hand addressed to the Board; or
- (f) the Board is satisfied that it is not in the interest of the Programme or the interest of the public for the person appointed to continue in office.

12. Supervision

The Programme shall report to the President, through the office of the Secretary to the Government of the Federation.

PART III

Staff of the Programme

13. Appointment of the Director-General and other staff of the Programme

(1) There shall be appointed by the President for the Programme, a Director-General who shall-

- (a) be the chief executive and accounting officer of the Programme;
- (b) have such qualification and experience as are appropriate for a person required to perform the functions of that office under this Act; and
- (c) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment.

(2) The Director-General shall, subject to the general direction of the Board and the National Technical Advisory Committee, be responsible-

- (a) for the day-to-day administration of the Programme;
- (b) for keeping the books and proper records of the proceedings of the Board and the National Technical Advisory Committee; and
- (c) for-
 - (i) the administration of the secretariat of the Programme, the Board and the National Technical Advisory Committee; and
 - (ii) the general direction and control of all other employees of the Programme subject to the directives of the Board and the chairman.

(3) The Board shall have power to-

- (a) employ either directly or on secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Act; and
- (b) pay to persons so employed such remuneration (including allowances) as the Board may, after consultation with the Federal Civil Service Commission, determine.

14. Service in the Programme to be pensionable

- (1) Service in the Programme shall be approved service for purposes of the Pensions Act.
- (2) Employees of the Programme shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.
- (3) Nothing in subsections (1) and (2) of this section or in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (4) For the purposes of the application of the provisions of the Pensions Act any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

PART IV

Financial provisions

15. Fund, etc.

- (1) The Board shall establish and maintain for the Programme a fund from which shall be defrayed all expenditure incurred by the Programme.

- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) of this section-
- (a) such moneys as may be granted or received from the Federal, State or local governments;
 - (b) such money as may, from time to time, be granted or received from-
 - (i) the organised private sector;
 - (ii) international or donor organisations and non-governmental organisations;
 - (c) all fees and charges for services rendered by the Programme;
 - (d) all other sums which may, from time to time, accrue to the Programme.
- (2) The Board may, from time to time, apply the funds at its disposal-
- (a) to the cost of the administration of the Programme;
 - (b) the payment of fees, allowances and expenses of members of the Board, the National Technical Advisory Committee or of any committee set up by the Board;
 - (c) to the payment of salaries, allowances and benefits of officers and servants of the Programme; (d) for the maintenance of any property vested in the Programme or under its administration; and
 - (e) for and in connection with all or any of the objectives of the Programme under this Act.

16. Power to accept gifts

- (1) The Programme may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

- (2) The Programme shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the objectives of the Programme under this Act.

17. Annual estimate, accounts and audit

- (1) The Board shall cause to be prepared not later than 30 September in each year an estimate of the expenditure and income of the Programme during the next succeeding year and when prepared, they shall be submitted to the President.
- (2) The Board shall cause to be kept proper accounts of the Programme and proper records in relation thereto and when certified by the Board, the accounts shall be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

18. Annual report

The Board shall not less than six months immediately preceding the beginning of each year, submit to the President a report on the activities and the administration of the Programme during the immediately preceding year and shall include in such reports audited accounts of the Programme and the auditor's report thereon.

19. Exemption from tax

- (1) The Programme shall be exempted from the payment of tax on any income accruing from investments made by the Board or otherwise howsoever.
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Programme or the Board.

PART V

Establishment of State Federal Capital Territory, Local Government, Area Council and Ward Co-ordinating Committees, etc.

20. Establishment and membership of the State Co-ordinating Committee

(1) There is hereby established for each State of the Federation, a State Co-ordinating Committee which shall consist of- (a) a chairman;

(b) four other persons to reflect a fair representation of State interests.

(2) The State Ministry of Women Affairs and Youth Development shall serve as the secretariat and co-ordinating office of the State Co-ordinating Committee.

(3) The members of the State Co-ordinating Committee shall-

(a) be persons of proven integrity;

(b) other than ex-officio members, hold office for a term of three years in the first instance and may be reappointed for a further term of three years and no more;

(c) be appointed by the Governor of the State; and

(d) be paid such allowances as the Board may, from time to time, determine.

(4) The provisions of section 11 of this Act shall apply mutatis mutandis to the State Co-ordinating Committee.

21. Functions of the State Co-ordinating Committee

The State Coordinating Committee shall be charged with responsibility for-

(a) collecting, collating and reviewing all applications for loans under the Programme received from the Local Government Co-ordinating Committees;

(b) making appropriate recommendations to the Board; and

(c) monitoring, evaluating and training of beneficiaries at the State level.

22. Establishment and membership of the Federal Capital Territory Co-ordinating Committee

There is hereby established for the Federal Capital Territory a Co-ordinating Committee which shall consist of-

- (a) a chairman; and
 - (b) eight other persons to cover a fair representation of a cross section of the Federal Capital Territory interests.
- (2) The members of the Federal Capital Territory Co-ordinating Committee shall-
- (a) be persons of proven integrity;
 - (b) other than ex-officio members, hold office for a term of three years in the first instance and may be reappointed for a further term of three years and no more;
 - (c) be appointed by the Minister of the Federal Capital Territory; and
 - (d) be paid such allowances as the Board may, from time to time, determine.
- (3) The provisions of sections 11 and 22 of this Act shall apply mutatis mutandis to the Federal Capital Territory Co-ordinating Committee.

23. Establishment and membership of the Local Government and Area Council Co-ordinating Committee

(1) There is hereby established for each local government area and the six Area Councils in the Capital Territory, a Local Government Co-ordinating Committee and an Area Council Co-ordinating Committee which shall consist of-

- (a) the chairman of the Local Government Councillor Area Council, who shall be the chairman;

- (b) the Supervisory Councillors in the Local Government Councillor Area Council;
 - (c) the chairperson of the Family Support Programme in the Local Government Area or Area Council;
 - (d) the district heads or community leaders in the Local Government Area or Area Council;
 - (e) two representatives of non-Governmental Organisations operating in the Local Government Area or Area Council.
- (2) The Head of Agriculture and Natural Resources in the Local Government or Area Council shall serve as the secretary and co-ordinating officer to the Local Government or Area Council Co-ordinating Committees.
- (3) The provisions of section 11 of this Act shall apply mutatis mutandis to the Local Government and Area Council Co-ordinating Committees.

24. Functions of the Local Government and Area Council Co-ordinating Committee

The Local Government and Area Council Co-ordinating Committee shall each be charged with the responsibility for-

- (a) collecting, collating and assessing all applications for loans under the Programme received from the Ward Coordinating Committee;
- (b) making appropriate recommendations to the Board through the State Co-ordinating Committees; and
- (c) publicity, monitoring, evaluating and training of beneficiaries at the Local Government and the Area Council levels.

25. Establishment, membership and function of the Ward Co-ordinating Committee

- (1) There is hereby established for each Ward in each Local Government Area and the six Area Councils in the Federal Capital Territory, a Ward Co-ordinating Committee which shall consist of all the village heads or such similar heads in the Ward.
- (2) A representative of the scribes of the village heads in the Ward shall be appointed by the village head as the secretary and co-ordinating officer to the Ward Co-ordinating Committee.
- (3) The Ward Co-ordinating Committee shall be charged with the responsibility of identifying the groups applying for-
 - (a) loans under the Programme; or
 - (b) training assistance under the Programme, as indigenes of the Ward.

PART VI

Miscellaneous provisions

26. Participating banks

- (1) For the purposes of implementing the objectives of the Programme under this Act, the following banks shall be known and referred to as participating banks, that is- (a) the People's Bank; and
 - (b) the Community Banks.
- (2) The participating bank shall be required to have branches in all the Local Government Areas and Area Councils.
- (3) Notwithstanding the provisions of subsection (1) of this section, the Board shall have power to-
 - (a) amend, alter, vary or substitute the list of participating banks referred to in subsection (1) of this Act; and

- (b) designate such other banks as participating banks under the Programme.
- (4) The Board shall cause to be disbursed to a participating bank a percentage of the funds allocated to the Programme under section 16 of this Act for disbursement to applicants requiring loan facilities from the State, Federal Capital Territory, Local Government, Area Council and Ward Co-ordinating Committees under the Programme.

27. Role of participating banks

A participating bank shall be charged with the responsibility of-

- (a) managing the funds allocated to it by the Board for purposes of implementing the objective of the Programme;
- (b) approving loans to applicants in compliance with such credit guidelines as may be issued by the Board from time to time;
- (c) advising the Board on the operation of the Programme and on any matter pertaining to the effectiveness and efficiency of the Programme;
- (d) supervising and monitoring the projects undertaken by beneficiaries of loan facilities under the Programme and recommending appropriate corrective measures where the terms and conditions of loans have not been met;
- (e) ensuring loan recovery in accordance with loan recovery schedules;
- (f) determining the potential of factors affecting the cottage industries;
- (g) meeting quarterly with members of the State, Federal Capital Territory, Local Government and Ward Coordinating Committees to assess the impact of the Programme and recommend remedial action to the Board and the National Technical Advisory Committee;
- (h) submitting quarterly reports on loan disbursement and recovery to the Board and the National Technical Advisory Committee and make copies

available to the State, Federal Capital Territory, Local Government and Ward Co-ordinating Committees.

28. Credit guidelines

- (1) Loans received under the Programme shall be for specific projects.
- (2) The credit ceiling under the Programme shall be a maximum of N550.000 per project.
- (3) The Board shall notwithstanding the provisions of subsection (1) or (2) of this section, have power to- (a) give a grant to any association of individuals or group of persons for a specific project under the Programme;
- (b) determine the interest rates on loans granted under this Programme so however that the interest rate shall at no time exceed a maximum of ten per centum annually on all outstanding balances.
- (4) Loans granted under the Programme, other than loans granted to farmers, shall be liable to be recovered in full at the expiration of a period of three years beginning from three months from commencement of production.
- (5) Loans granted to farmers under the Programme shall be liable to be recovered in full at the expiration of a period of one year beginning from three months from commencement of production.
- (6) The credit guidelines specified in section 27 (b) of this Act may be amended, altered, varied or substituted by the Board.

29. Eligibility

- (1) The following persons shall be eligible for loan facilities under this Act, that is-
 - (a) an association of individuals; or

- (b) a group of persons, with a common objective.
- (2) Notwithstanding the provisions of subsection (1) of this section, the association of individuals or group shall be required to-
 - (a) be registered with the Board;
 - (b) have an operational account with any of the branches of the participating bank nearest to it;
 - (c) show evidence of the commitment of its own funds and resources to the proposed project to the value of at least ten per centum of the required capital for the project.

30. Loan procedure

A request for the grant of a loan under this Act shall be made on the Programme's approved application form obtainable from any of the branches of the participating banks and shall have attached to it-

- (a) a copy of the certificate of registration of the association or group issued by the Board;
- (b) a pro-forma invoice duly executed by the agency where the equipment purchase is required;
- (c) a photocopy of the customer's pass book or statement of account;
- (d) two recent passport photographs-
 - (i) of the leader and treasurer of the association or group who shall both be signatories to the account; and
 - (ii) which shall bear an attestation by the guarantor of the loan at the bank.

31. Loan disbursement

Loan disbursement under the Programme shall be in two instalments as follows, that is-

- (a) for acquisition of machinery and equipment; and
- (b) for working capital, labour costs, cost of raw materials, including purchase of seeds.

32. Security for loans

- (1) An association of individuals or group of persons seeking loan facilities under this Programme shall be required to show a commitment ten per centum of the loan required with a branch of any of the participating banks.
- (2) Where the applicants are from a ward or a village, the ward or village head shall be required to identify and certify each member of the association or group as-
 - (a) indigenes of the ward or village;
 - (b) persons engaged in productive venture in the ward or village;
 - (c) persons identified with a trade for which the loan is required.
- (3) The participating bank shall ensure that the plant, machinery and equipment purchased by the beneficiaries or movable or immovable properties of the beneficiaries are used as security for the loan required.

33. Loan recovery

A participating bank shall ensure that all loans disbursed under the Programme are accompanied by an appropriate loan recovery schedule.

34. Monitoring and evaluation, etc.

The Board shall, through the National Technical Advisory Committee, ensure adequate monitoring and evaluation of the Programme through the submission of quarterly reports through the State, Federal Capital Territory, Local Government Area Council and Ward Co-ordinating Committees and the participating banks.

35. Marketing of productions

All goods and commodities including machineries produced from loan received under this Programme shall carry the "FEAP Logo and FSP" inscription.

PART VII

General

36. Power of President to give directives

Subject to the provisions of this Act, the President of the Federal Republic of Nigeria may give to the Board such directives of a general nature with regard to the exercise by the Board of its functions and the objectives of the Programme under this Act and it shall be the duty of the Board to comply with the directives.

37. Regulations

The President may make such regulations as he deems to be necessary or expedient for giving full effect to the provisions of this Act.

38. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Governing Board established by section 5 of this Act;

"Group of persons" means a cooperative society with a common objective; [1997 No. 20.]

"Member" means a member of the Board or committee and includes the chairman;

"Programme" means the Family Economic Advancement Programme established by section 1 of this Act.

39. Short title

This Act may be cited as the Family Economic Advancement Programme (Establishment, etc.) Act.

SCHEDULE

[Section 5 (3).]

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceeding or those of any of its committees.
- (2) The quorum of the Board shall be the chairman and ten other members and the quorum of any committee of the Board shall be determined by the Board.
2. (1) The Board shall meet not less than three times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice given to him by not less than twelve other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at that meeting.
- (3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

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

Miscellaneous

4. (1) The fixing of the seal of the Programme shall be authenticated by the signature of the chairman, the DirectorGeneral or any other person authorised generally or specially to act for that purpose by the Board.
 - (2) Any contract or instrument which if made or executed by a person not being a body corporate 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 specially authorised to act for the purpose by the Board.
 - (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. 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.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation



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