

NATIONAL PLANNING COMMISSION ACT

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SCHEDULE

Proceedings of the Commission

An Act to establish the National Planning Commission to, among other things, determine and advise on policies that will best promote national unity and

integration and sustain the Nigerian nation.

[1993 No. 71.]

[23rd August, 1993]

[Commencement.]

1. Establishment of the National Planning Commission

(1) There is hereby established a Commission to be known as the National Planning Commission (in this Act referred to as "the Commission").

(2) The Commission shall be structured into various activity departments, as it deems appropriate for the effective discharge of its functions.

2. Objectives of the Commission

The objectives of the Commission shall be to-

(a) determine and advise on policies that will best promote national unity and integration and sustain the Nigerian nation;

(b) ensure social justice and human welfare at all levels of the Nigerian society;

(c) focus on key national development issues and suggest ways for their efficient resolution;

(d) determine how best the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria 1999 can achieve the major objectives of optimal development and suggest amendments that may be required, from time to time, to achieve those objectives in the light of encountered realities;

(e) provide a national focal point for the co-ordination and formulation of national policies and programmes;

(f) draw up, from time to time, national economic priorities and programmes and map out implementation strategies;

(g) co-ordinate the formulation and implementation of government programmes as contained in annual plans, budgets, medium-term and perspective plans at the Federal, State and local Government levels;

(h) enhance the efficiency of public sector spending and general national economic management;

(i) continuously visualise the international economic system in target horizons and identify the activities likely to become dominant or strategic globally; and

(j) determine how Nigeria can best adapt to realise the objectives set out in paragraph (i) of this section and compete efficiently in the global system.

3. Membership of the Commission

(1) The Commission shall consist of-

(a) the Vice-President as chairman;

(b) the deputy chairman of the Commission; and

(c) four full-time Commissioners who shall be in charge of groups of Departments.

(2) In addition, the Commission shall have the following other members who shall be part-time Commissioners namely-

(a) the Minister for Finance;

(b) the Minister for Petroleum Resources;

(c) the Minister for Agriculture and Rural Development;

(d) the Minister for Industry;

(e) the Permanent Secretary, State and Local Government Affairs Office;

(f) the Governor of the Central Bank of Nigeria;

(g) one member to represent the organised private sector;

(h) one member to represent the labour unions; and

(i) two other members appointed on their own merit.

(3) The deputy chairman and all other members of the Commission shall be appointed by the President.

(4) The deputy chairman shall be a Minister of cabinet rank and the full-time chief executive of the Commission.

(5) The deputy chairman and the four full-time Commissioners shall be persons of high professional competence and must be of good repute.

(6) The Commission shall be located in the Presidency and shall not be subject to the direction, control or supervision of any other authority or person in the performance of its functions under this Act, other than the President.

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

4. Functions of the Commission

The functions of the Commission shall be to-

(a) provide policy advice to the President in particular and Nigeria in general on all spheres of national life;

(b) set national priorities and goals and engender consensus among government agencies, corporate bodies and workers' unions in support and accomplishment

of such priorities and goals as may be contained in guidelines issued by the Commission from time to time;

(c) undertake periodic review and appraisal of the human and material resource capabilities of Nigeria with a view to advancing their development and efficiency and effective utilisation;

(d) formulate and prepare long-term, medium-term and short-term national development plans and to co-ordinate such plans at the Federal, State and local Government levels;

(e) monitor projects and progress relating to plan implementation;

(f) advise on changes and adjustments in institutions and management techniques as well as attitudes necessary for the alignment of actions with plan targets and goals;

(g) conduct research into various aspects of national interest and public policy and ensure that the implications and results of the findings in such research are geared towards the enhancement of national economic, social, technological, defence and security capabilities and management;

(h) mobilise popular, group and institutional consensus in support of government policies and programmes;

(i) manage multilateral and bilateral economic co-operation, including development aid and technical assistance programming;

(j) deal with matters relating to regional economic co-operation including the Economic Community of West African States, the African Common Market, the United Nations Economic Community for Africa and the South-South Cooperation; and

(k) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on the Commission under this Act.

5. Powers of **the** Commission

In the discharge of its duties under this Act, the Commission shall have power to-

(a) ask for and obtain from any government agency or other private institution statistical or other information relevant to the functions of the Commission under this Act;

(b) bring to the attention of the President areas where national policies and programmes are seriously hampered and violated;

(c) prescribe action along a given course for any government agency for the attainment of identified specific national objectives;

(d) advise the President as to the appropriate measures to be undertaken by appropriate agencies or bodies in order to ensure their conformity with national policies or programmes;

(e) with the approval of the President, direct the Ministries and appropriate agencies not to release funds for projects that have not been properly approved by the Commission or projects for which there is a lack of adequate information;

(f) issue guidelines and circulars regarding plan preparation, implementation and control;

(g) make representation in the legislature for and on behalf of the President;

(h) recruit, promote and discipline all officers of the Commission, provided that the Commissioners and the secretary can only be disciplined with the approval of the President;

(i) determine the conditions of service of its employees, as appropriate;

(j) provide advisory services on matters referred to it by any Government of the Federation or its agency; and

(k) express its opinion on any matter it considers pertinent to the national development process.

6. Other officers of the Commission

(1) There shall be appointed, by the President, a secretary to the Commission who shall hold a rank not below that of a Permanent Secretary in the civil service of the Federation.

(2) The secretary shall assist the deputy chairman in carrying out the day-to-day activities of the Commission and shall carry out such other duties as may be directed, from time to time, by the deputy chairman.

(3) The secretary shall also serve as the secretary to the National Economic Advisory Council.

(4) The Commission may appoint such number of other persons to be employees of the Commission as it may deem fit.

7. Conditions of service

The Commission shall develop and submit to the President appropriate conditions of service covering remunerations, fringe benefits, pension scheme and other benefits which would enable it attract and retain high quality manpower.

8. Tenure of office

(1) The deputy chairman and the secretary of the Commission shall hold office for five years renewable for one further period of five years.

(2) Each full-time Commissioner shall serve for an initial period of four years renewable for another term of four years only.

(3) Any full-time Commissioner may resign his appointment at any time by notice in writing under his hand addressed to the President.

(4) A member of the Commission appointed under paragraphs (g), (h) and (i) of subsection (2) of section 3 of this Act shall hold office for a term of four years only.

(5) If a member of the Commission dies or resigns or otherwise vacates his office before the expiry of the term for which he is appointed, a fit and proper person shall be appointed in his place.

(6) A member of the Commission may be removed from office by the President if-

(a) he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office;

(b) in the case of a part-time member, the member ceases to hold the office of member or chief executive of the relevant Ministry or Extra-Ministerial Department or ceases to represent the interest group.

Financial provisions

9. Funds of the Commission

The Commission shall-

(a) operate within normal budgetary allocations as may be made to it by the Federal Government;

(b) not charge or receive any fees whatsoever for services rendered to the Federal or State Governments;

(c) not receive any gift of any description from any source from either the public or private sector;

(d) not establish or operate separate funds; and

(e) not invest its funds with intent to charging or receiving interests on such investments.

10. Annual estimates and account

The Commission shall not later than 31 October in each year submit to the President an estimate of its expenditure and income during the next succeeding financial year.

Relationship with other bodies

11. Commission to provide Secretariat for certain bodies

The Commission shall provide the Secretariat for the following planning bodies, that is-

- (a) the National Economic Council;
- (b) the Conference of Ministers and Commissioners responsible for economic planning;
- (c) the Joint Planning Board; and
- (d) the National Economic Advisory Council.

12. Relationship with other bodies

The Commission shall maintain liaison with the private sector, labour unions, univer, research institutes, non-governmental organisations and such other bodies as may be useful in promoting plan formulation, acceptability and implementation.

13. Representation on boards and governing council of certain bodies

The Commission shall be represented on the boards and governing councils of such bodies as the President may decide and, without prejudice to the foregoing provisions the

Commission shall, on the commencement of this Act, be represented on the boards and councils on which the Planning Office of the former Ministry of Budget and Planning served.

14. Affiliated bodies

As from the commencement of this Act, the following bodies shall become subsidiary organs of the Commission that is-

- (a) the National Centre for Economic Management and Administration;
- (b) the Centre for Management Development;
- (c) the Federal Office of Statistics;

- (d) the National Manpower Board;
- (e) the National Data Bank; and
- (f) such other bodies as the President may decide, from time to time.

Miscellaneous and supplementary

15. Annual reports

The Commission shall prepare and submit to the President not later than 30 June each year, a report in such form as he may direct on the activities of the Commission during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and the Auditor-General's comments therein.

16. Transitional provisions

(1) On the commencement of this Act-

(a) the Planning Office of the former Ministry of Budget and Planning shall cease to exist and its rights and obligations shall reside in the Commission;

(b) the Capital Budget section of the Budget Office shall be transferred to the Federal Ministry of Finance;

(c) the existing staff of the Planning Office of the former Ministry of Budget and Planning shall be deemed to be the staff of the Commission, so however that-

(i) a staff may opt out of the Commission within sixty days of the coming into force of this Act;

(ii) the Commission may, on advice, dispense with the services of any existing staff whose level of competence is adjudged inadequate for coping with the task of the Commission.

(2) All existing legislation and guidelines that are at variance with this Act shall be deemed to have been amended in conformity with the provisions of this Act.

17. Regulations

The President may make regulations generally for the purpose of giving effect to the provisions of this Act.

18. Power of the President to give directives

Subject to the provisions of this Act, the President may give to the Commission directives of a general nature or relating generally to matters of policy with regards to the exercise by the Commission of its functions and it shall be the duty of the Commission to comply with such directives.

19. Repeal of 1992 No. 12

The National Planning Commission Act is hereby repealed.

20. Savings and transfer of liabilities, staff, etc.

(1) The statutory functions, rights, interest, obligations and liabilities of the Commission existing before the commencement of this Act under any contract or instrument, shall by virtue of this Act be deemed to have been assigned to and vested in the Commission established by this Act.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section shall be of the same force and effect against or in favour of the Commission established by this Act and shall be enforceable as fully and effectively as if instead of that Commission the Commission established by this Act had been named therein or had been a party thereto.

(3) The Commission established by this Act shall be subject to all the obligations and liabilities to which the Commission was subject immediately before this Act and all other persons shall have the same rights, powers and remedies against the Commission established by this Act as they had against the Commission immediately before the commencement of this Act.

(4) Any proceedings or cause of action pending or existing immediately before the commencement of this Act, by or against the Commission, in respect of any right, interest, obligation or liability of the Commission may be continued or as the case may be, commenced, and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Commission established by this Act to the same extent that such proceedings, cause of action or determination might have been continued,

commenced or enforced by or against the Commission established under the repealed Act.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Commission established under the repealed Act shall by virtue of this Act and without further assurance, be vested in the Commission established by this Act.

(6) Any person who immediately before the coming into force of this Act is the holder of any office in the Commission existing before the commencement of this Act shall, on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Commission established by this Act unless the authority by which the person was appointed terminates the appointment.

21. Interpretation

In this Act, unless the context otherwise requires-

"Commission" means the National Planning Commission established by section 1 of this Act;

"deputy chairman" means the deputy chairman of the Commission;

"member" means a member of the Commission and includes the chairman;

"repealed Act" means the National Planning Act 1992;

"secretary" means the secretary of the Commission.

22. Short title

This Act may be cited as the National Planning Commission Act.

SCHEDULE

[Section 3 (7).]

Proceedings of the Commission

1. (I) The Commission shall meet for the conduct of its business at such time, place and on such day as the President may appoint but shall meet not less than twice in a year.

(2) At a meeting in which the Vice-President is not present, the deputy chairman shall preside.

2. The Commission shall have power to regulate its proceedings and may make standing orders for that purpose and subject to any such standing orders and to paragraph 3 of this Schedule, may function notwithstanding-

(a) any vacancy in its membership or the absence of any member;

(b) any defect in the appointment of a member; or

(c) that a person not entitled to do so took part in its proceedings.

3. The quorum at any meeting of the Commission shall be a simple majority of the members.

4. Where standing orders made under paragraph 2 of this Schedule provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

Committees

5. The Commission may appoint one or more committees to advise it on the exercise and performance of its functions under this Act and shall have power to regulate the proceedings of its committees.

Miscellaneous

6. (I) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specifically authorised in that behalf by the Commission.

(2) Any member of the Commission or of a committee thereof, 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 or the committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.

7. (I) The common seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted

meeting of the Commission and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Commission shall be authenticated by the signature of the deputy chairman or some other member authorised generally or specifically by the Commission to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation