

# NATIONAL INTELLIGENCE AGENCY PENSIONS (ESTABLISHMENT) ACT, 2017

## EXPLANATORY MEMORANDUM

This Act establishes the National Intelligence Agency Pensions Board charged with the responsibility for administering the pensions scheme for personnel of the Agency.

This Act is in consequence of the exit of the Agency from the application of the contributory pension's scheme under the Pensions Reform Act, 2014.

NATIONAL INTELLIGENCE AGENCY PENSIONS (ESTABLISHMENT) ACT,  
2017

Arrangement of Sections

Section:

1. Establishment of the National Intelligence Agency Pensions Board.
  2. Computation of pension or gratuity.
  3. Pension to be charged on revenue of Nigeria.
  4. Circumstances in which pension may be granted.
  5. Compulsory retirement and retirement on compassionate grounds.
  6. Minimum and maximum pension.
  7. Pension and gratuity to be paid to next of kin where a pensioner dies in service.
  8. Pension to run for 5 years after death within 5 years of retirement.
  9. Notice of intention to retire or withdraw from service.
  10. Pension and gratuity not to be assignable.
  11. Payment of public claims out of pension and gratuity.
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  14. Interpretations.
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NATIONAL INTELLIGENCE AGENCY PENSIONS (ESTABLISHMENT) ACT, 2017

A Bill

For

An Act to establish the National Intelligence Agency Pensions Board to handle pension matters for the personnel of the Agency; and for related matters.

[ ]

Commencement

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

PART I — GENERAL

1. (1) There is established the National Intelligence Agency Pensions Board (in this Act referred to as "the Board") which is charged with the responsibility for payment of pensions and gratuities to all personnel of the Agency. Establishment of the National Intelligence Agency Pensions Board.
- (2) This Act applies to all personnel of the Agency including those who had retired before the commencement of this Act.
- (3) The retirement benefits of the personnel referred to in subsection (2) shall be adjusted to be commensurate with the provisions of this Act.
2. (1) Subject to the provisions of this Act, any pension or gratuity payable to any personnel under this Act shall be computed in accordance with the provisions of the Agency Regulations. Computation of pension or gratuity.
- (2) In computing pensionable and qualifying services for the purpose of this Act, any period of service over 6 months not included in a completed year shall count as one year for the purpose of the Schedule to this Act as it relates to personnel entitled to a pension. Schedule.
3. There shall be charged on and paid out of the Consolidated Revenue Fund of the Federation, all such sums of money as may be granted by the Federal Government by way of pension and gratuity in accordance with this Act. Pension to be charged on revenue of Nigeria.
4. (1) Pension or gratuity shall not be granted under this Act to any personnel of the Agency except - Circumstances in which pension may be granted.
- (a) after serving for 35 years or attaining the age of 60 years, whichever is earlier;
  - (b) on voluntary retirement after serving for not less than 10 years;
  - (c) on compulsory retirement under the provisions of section 5 (1) of this Act;

- (d) on compulsory retirement for the purpose of facilitating improvements in the Agency, so that greater efficiency or economy may be effected;
- (e) at any time on medical evidence to the satisfaction of the Medical Board that he is incapable by reason of any infirmity of mind or body of discharging his duties and that such infirmity is likely to be permanent;
- (f) on voluntary withdrawal after having put in not less than 5 years but less than ten years continuous service as a personnel;
- (g) in respect of paragraphs (c) to (e) above, if the personnel has served for 5 years but less than 10 years before his retirement, he shall be entitled only to a gratuity as specified in the appropriate column of the Table in the Agency Regulations; and
- (h) if the personnel has served for a minimum of 3 years but less than 5 years before he is required to retire, he shall be entitled to an ex-gratia gratuity calculated on pro-rata basis at the rate of 10% for every completed year of service.

(2) Where a personnel retires under subsection (1) (g) of this section, he shall be entitled to a pension if —

- (a) he has completed 5 years but not up to 10 years in service;
- (b) he has served for 10 years; and
- (c) he is required to retire after 10 years qualifying service pursuant to the provisions of paragraphs (c) - (e) of subsection (1) of this section, pension immediately on retirement even though he has not attained the age of 45 years.

5. (1) The Board shall require a personnel to retire from the Agency at any time after he has attained the age of 45 years subject to 3 months' notice in writing of such requirement being given to the personnel.

Compulsory retirement and retirement on compassionate grounds.

(2) A personnel may, on compassionate grounds, be allowed to resign, withdraw or retire from service, as the case may be, in accordance with the Agency Regulations.

6. (1) A pension granted to a personnel or other rank under this Act shall not be less than 40% of his total emolument.

Minimum and maximum pension.

(2) For the purpose of this section, an additional pension granted in respect of injury shall not be taken into account; but where the personnel is granted such an additional pension under this Act, the amount so granted together with the remainder of his pension under this Act shall not exceed 100% of his highest pensionable emolument at any time in the course of his service.

7. (1) Where a personnel dies in the course of official duty, there shall be paid to his next of kin a gratuity to which the personnel would have been entitled at the date of his death. Pension and gratuity to be paid to next of kin where a personnel dies in service.
- (2) Where a personnel dies before completing the minimum period of qualifying service, his next of kin shall be paid a death gratuity of one year's salary only.
- (3) Any pension payable under subsection (1) of this section shall be paid to any person entitled thereto for a period expiring at the end of 5 years after the death of the personnel, however, a lump sum representing 5 years pension may be paid immediately to the person entitled to it.

8. Where a personnel dies within five years after retirement, his next of kin shall continue to be paid, for a period which shall expire at the end of five years from the date of his retirement, the same pension which the deceased personnel was receiving prior to his death, but if the next of kin so elects, the balance of his pension at his death may be paid immediately to the said next of kin. Pension to run for 5 years after death within 5 years of retirement.

9. (1) A personnel who wishes to retire from the Agency after serving for 10 years or more shall give 3 months' notice or pay the Agency the equivalent of three months' salary in lieu of notice. Notice of intention to retire or withdraw from service.
- (2) A personnel who wishes to withdraw from the Agency after serving for not less than 5 years but up to 10 years shall give the Director-General one month's notice of his intention to withdraw from the Agency or he shall pay one month's salary in lieu of such notice.

## PART II — MISCELLANEOUS

10. A pension or gratuity granted under this Act shall not be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever except for the purpose of satisfying — Pension and gratuity not to be assignable.
- (a) a debt due to the Federal Government; or
- (b) an order of a Court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the personnel to whom the pension or gratuity has been granted.

11. Where the Board is satisfied that —

- (a) a sum is due to the Federal Government from a person to whom a pension or gratuity is due under this Act, and
- (b) an overpayment on account of any such pension or gratuity has been made to any such person by the Federal Government,

Payment of public claims out of pension and gratuity.

the Board may authorize the deduction from the pension or gratuity, in respect of that sum or overpayment of such amounts at such times as it may think fit; and the amounts so deducted shall be applied towards paying or repaying that sum or overpayment.

12. (1) The Board may, by order publish in the Federal Gazette, delegate to another person or authority all or any of its powers under this Act. Delegation of power.

(2) The delegation of a power under the above subsection shall not prevent the Board from continuing to exercise the power if it deems fit.

13. (1) The Management of the Agency shall make regulations to provide for the structure and personnel of the Board which in turn may make provisions for carrying into effect the provisions of this Act. Regulations.

(2) Whenever the Board is satisfied that it is equitable that any regulation made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attached to any person, that regulation may be given retrospective effect for that purpose.

14. In this Act — Interpretations.

"Agency" means the National Intelligence Agency (NIA);

"Agency Regulation" means the NIA Regulation of 1999, including amendments, pursuant to Instruments No. NIA 1 of 23<sup>rd</sup> May, 1999;

"basic pay" means the daily rate of pay due and payable to a personnel, but does not include allowances;

"Board" means the body charged by the Management of the Agency with the responsibility for the administration of the pensions and gratuities of the personnel of the Agency;

"Director-General" means the Director-General of the National Intelligence Agency (NIA);

"Federal Government" means the Federal Government of Nigeria;

"Gazette" means the official gazette of the Agency;

"last pay" in relation to a personnel whose appointment has been terminated, means the amount payable to him for a month or if he was on a daily rate of pay, for 31 days multiplied by 12 in respect of the last substantive rank held by him immediately before the end of his employment;

"lodging" means the provision of furnished accommodation, fuel and light and personal service;

"medical board" means any medical board appointed by the Management of the Agency or by any other person pursuant to a delegation under section 12 of this Act, to assess the degree of disablement of personnel;

"next of kin" means any person documented by the staff who can legitimately claim entitlements of the staff in the event of death on behalf of the beneficiaries;

"officer" means a personnel on the rank of Intelligence Officer (SIO II) and above;

"pensionable emoluments" in respect of a personnel, means the salary attached to the last substantive rank held by the personnel but does not include any allowance whatsoever;

"pensionable service" means service in the National Intelligence Agency, including service or employment under the Government of the Federation or of a State or any other employment approved by the Agency and which has been transferred to the Agency, which may be taken into account in determining whether an officer is eligible by length of service, for a pension or gratuity;

"personnel" means officers and staff in the employment of the Agency;

"qualifying service" means service in the National Intelligence Agency, including service or employment in the public service or any other employment which may be approved by the National Intelligence Agency, which may be taken into account in determining whether an officer is eligible by length of service for a pension or gratuity;

"retirement" means cessation of service after an officer has served for a period of not less than 5 years or thereafter for a period of not less than 10 years, being periods respectively appointed as qualifying an officer for gratuity and pension;

"staff" means a personnel below the rank of Intelligence Officer II (IO II) in the Agency; and

"termination" in relation to a personnel's employment, means termination of full pay service by retirement, discharge or otherwise however.

15. This Act may be cited as the National Intelligence Agency Pensions (Establishment) Act, 2017. Citation.

COMPUTATION OF PENSION AND GRATUITIES TO PERSONNEL TO WHOM  
AND WHAT RATES PENSION MAY BE GRANTED

1. Subject to the provisions of this Act, a personnel shall be granted, on retirement, a pension

- (a) if he has been in the service for 10 years or more;
- (b) if he has completed 10 years' qualifying service; or
- (c) if he has completed 5 years qualifying service if this retirement is on the ground that he is incapable by reason of any infirmity of mind or body of discharging his duties and such infirmity is likely to be permanent.

*General Rules as to Qualifying Service*

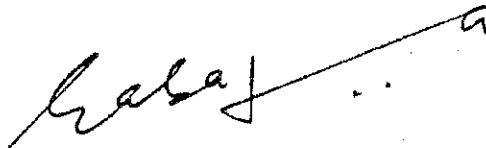
2. (1) Subject to the provisions of this Act, qualifying service shall be inclusive of the period between the date on which a personnel was enlisted into the Agency and the date of his leaving such Agency without deduction of any period during which he had been absent on leave.
- (2) No period which is not qualifying service by virtue of the foregoing paragraphs shall be taken into account as pensionable service.

*Continuity of Service*

3. (1) Except as otherwise provided in this Schedule, only continuous service shall be taken into account as qualifying service or as pensionable service.
- (2) A personnel who retires from the Agency and who is re-engaged in the Agency within a period of 5 years from the date of his retirement, may be granted pension or gratuity for which he would have been eligible if any break in his service immediately prior to such re-engagement had not occurred, such pension or gratuity to be in lieu of any pension or gratuity granted to him from the Consolidated Revenue Fund of the Federation or of a State or any other approved employment which is required to be refunded as a condition of the application to the personnel.
- (3) In calculating a pension or gratuity granted in accordance with the provisions of this paragraph, account shall not be taken for any purpose of the period during which the officer was not in the Agency.
4. Formula for calculation of pension and gratuity based on the percentage of last pay shall be in accordance with the Table in the Agency Regulations.



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  
6<sup>th</sup> DAY OF NOVEMBER, 2017

**Schedule to the National Intelligence Agency Pensions (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 |
|---|---|---|-----------------------------|---|
| National Intelligence Agency Pensions (Establishment) Bill, 2017. | An Act to establish the National Intelligence Agency Pensions Board to handle pension matters for personnel of the Agency; and for related matters. | This Bill establishes the National Intelligence Agency Pensions Board charged with the responsibility for administering the pensions scheme for personnel of the Agency.<br><br>This Bill is in consequence of the exit of the Agency from the application of the contributory pension's scheme under the Pension's Reform Act, 2004. | 11 <sup>th</sup> July, 2017 | 11 <sup>th</sup> April, 2017                |

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.

*Ataba*  
**MOHAMMED ATABA SANI-OMOLORI**  
 Clerk to the National Assembly  
 6<sup>th</sup> Day of November, 2017

*Muhammadu*  
**MUHAMMADU BUIHARI, GCFR**  
 President of the Federal Republic of Nigeria  
 05<sup>th</sup> Day of November, 2017  
*December*

**I ASSENT**