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# Federal Republic of Nigeria Official Gazette

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**ELECTORAL ACT (AMENDMENT) ACT, 2004**



ARRANGEMENT OF SECTIONS

*Section :*

1. Amendment of Act No. 4, 2002.
2. Substitution for section 131 of the Principal Act.
3. Substitution of section 132 of the Principal Act.
4. Short title.

**ELECTORAL ACT (AMENDMENT) ACT, 2004****2004 ACT No.**

[ 26th May, 2004 ]

Commence-  
ment.

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

1. Electoral Act 2002 (in this Act referred to as “the Principal Act”) is amended as set out in this Act.

Amendment  
of Act No. 4,  
2002.

2. Substitute section 131 of the Principal Act for a new section 131 :

Substitution  
for section  
131 of the  
Principal  
Act.

“131 (1) No election and no return at an election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an “election petition”) presented to the competent tribunal or court in accordance with the provisions of the Constitution or this Act, and in which the person elected or returned is joined as a party.

(2) In this section “tribunal or court” means :

(a) in the case of presidential election, the Court of Appeal ;

(b) in the case of National Assembly, Governorship and State House of Assembly election, the Election Tribunal established by the Constitution or by this Act ; and

(c) in the case of an Area Council in the Federal Capital Territory, an Area Council Election Tribunal.

(3) The Election Tribunals provided for under the Constitution and this Act shall be constituted not later than 14 days before the election, but not more than 60 days after the election.

(4) There shall be established for the Federal Capital Territory (FCT) the Area Council Election Appeal Tribunal which shall to the exclusion of any other court or tribunal hear and determine appeals arising from the decision of the Area Council Election Petition Tribunal.

(5) The decision of the Area Council Election Appeal Tribunal in respect of Area Council elections shall be final.

(6) An Area Council Election Tribunal shall consist of a chairman and four other members.

(7) The Chairman shall be a Chief magistrate and four other members shall be appointed from among Magistrate of the Judiciary of the Federal Capital Territory, Abuja and legal practitioners of at least 10 years post-call experience, non-legal practitioners of unquestionable integrity or other members of the Judiciary of the Federal Capital Territory not below the rank of a Magistrate.

(8) An Area Council Election Appeal Tribunal shall consist of a chairman and four other members and the Chairman shall be a Judge of the High Court and the four other members shall be appointed from among judges

of the High Court of the Federal Capital Territory, Abuja, Kadis of the Sharia Court of Appeal of the Federal Capital Territory, Abuja, Judges of the Customary Court of Appeal or other members of the Judiciary of the Federal Capital Territory, Abuja not below the rank of a Chief Magistrate.

(9) Subject to the express provisions of this Act, the practice and procedure of the Area Council Election Tribunal shall be governed by the Magistrate Court of the Federal Capital Territory Civil Procedure Rules.

(10) Subject to the express provisions of this Act, the practice and procedure of the Area Council Appeal Tribunal shall be governed by the High Court of the Federal Capital Territory Civil Procedure Rules.

(11) The Chairman and Members of the Area Council Election Tribunal and Area Council Appeal Tribunal shall be appointed by the Chief Judge of the Federal Capital Territory, Abuja."

Substitution of section 132 of the Principal Act.

3. Substitute section 132 of the Principal Act for a new section 132 :

"132. An election petition under this Act shall be presented within 30 days from the date the result of the election is declared, or twenty-one (21) days after the constitution of the election tribunal."

Short title

4. This Act may be cited as the Electoral Act (Amendment) Act 2004.

EXPLANATORY MEMORANDUM

This Act amends the Electoral Act 2002 for the establishment of an Area Council Tribunal and an Area Council Election Appeal Tribunal for the Federal Capital Territory, Abuja.

**SCHEDULE TO ELECTORAL ACT (AMENDMENT) BILL, 2004**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Electoral Act (Amendment) Bill, 2004.	An Act to amend the Electoral Act 2002 ; and for related purposes.	This Bill seeks to amend the Electoral Act 2002 for the establishment of an Area Council Tribunal and an Area Council Election Appeal Tribunal for the Federal Capital Territory, Abuja.	22nd April, 2004	18th May, 2004

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
26th Day of May, 2004.

I ASSENT.



CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
26th Day of May, 2004.

**TREATY TO ESTABLISH THE AFRICAN UNION (RATIFICATION AND ENFORCEMENT)  
ACT, 2003**



**ARRANGEMENT OF SECTIONS**

*Section :*

**PART I—ESTABLISHMENT OF THE UNION**

1. Enforcement of Treaty to Establish the African Union.
  2. Short title.
- Schedules.

**TREATY TO ESTABLISH THE AFRICAN UNION  
(RATIFICATION AND ENFORCEMENT) ACT, 2003**

**2004 ACT No.**

[ 24th December, 2003 ] Commence-  
ment.

WHEREAS the Treaty establishing the African Union was signed by the Heads of Government of the Member States of the African Union on 26 April, 2003 ;

AND WHEREAS Nigeria was a signatory to the said Treaty ;

AND WHEREAS the Government of the Federal Republic of Nigeria has in accordance with her Constitutional Process ratified the said Treaty ;

AND WHEREAS it is necessary and expedient to enact a law to enable effect to be given to the Treaty establishing the African Union in Nigeria ;

NOW THEREFORE, it is :

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

**1. The Provisions of the Treaty to establish the African Union which are set out in the schedule to this Act, shall subject as thereunder provided, have jurisdiction in Nigeria and shall be given full recognition and effect in Nigeria.**

Enforcement  
of the Treaty  
to establish  
the African  
Union.

**2. This Act may be cited as the Treaty to establish the African Union (Ratification and Enforcement) Act, 2003.**

Short Title.

**SCHEDULE**

Section 1

**ARTICLE 1 — INTERPRETATION**

“Treaty” means the present Treaty ;

“OAU” means the Organisation of African Unity ;

“AEC” means the African Economic Community ;

“Protocol” means an instrument of implementation of the present Treaty having the same legal force as the latter ;

“Member State” or “Member States” means a Member State of the Union. “Assembly” means the Assembly of Heads of State and Government of the Union as provided for in Articles 9 and 10 of this Treaty ;

“Council” means the Council of Ministers of the Union as provided for in Articles 13 and 14 of this Treaty ;

“The Commission” means the Economic and Social Commission of the Union as provided for under Article 17 of this Treaty ;

“Parliament” means the Pan African Parliament of the Union as provided for in Article 18 of this Treaty ;

“Court” means the court of Justice as provided for in Article 19 of this Treaty ;

“Secretariat” means the General Secretariat of the Union as provided for in Articles 19 and 20 of this Treaty ;

“Secretary-General” means the Secretary-General of the Union.

**ARTICLE 2 — ESTABLISHMENT**

1. The High Contracting Parties hereby establish the African Union (hereafter referred to as “the Union”) ;

2. This Treaty shall constitute the basis of the Union supplemented by the OAU Charter and the Treaty establishing the African Economic Community (the Abuja Treaty).

**ARTICLE 3 — PRINCIPLES**

1. The High Contracting Parties, in pursuit of the objectives stated in Article 4 of this Treaty, solemnly reaffirm their commitment to the principles enshrined in Article 3 of the OAU Charter and Article 3 of the AEC Treaty.

2. In addition they solemnly affirm and declare their adherence to the following principles —

(a) respect of the borders existing on the achievement of national independence ;

(b) democratic principles including the respect of individual and collective freedoms, and the holding of free and fair elections ;

(c) condemnation and rejection of unconstitutional changes of Governments ;

(d) tolerance, mutual accommodation and respect of the rights of minorities ;



- (e) prevention and peaceful settlement of conflicts ;
- (f) observance of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights as well as other human rights instruments ;
- (g) promotion of justice, equity and solidarity in international relations ;
- (h) respect of international law ;
- (i) good governance and rejection of corruption gender equality.

ARTICLE 4 — OBJECTIVES

1. In addition to the objectives set out in Article 2 of the OAU Charter and Article 4 of the AEC Treaty, the objectives of the Union shall be —

- (a) to achieve greater unity and solidarity between African countries and peoples in conformity with the ultimate objectives of the OAU Charter and the AEC Treaty ;
- (b) to achieve rapid political and socio-economic integration of the Continent through the speedy implementation of the AEC Treaty ;
- (c) to promote democratic principles and institutions, popular participation and good governance;
- (d) to promote and protect human and peoples' rights in accordance with the African Charter on human and peoples' rights and other human rights instruments ;
- (e) to promote peace, security and stability in the Continent and to put an end to the scourge of conflicts and their devastating consequences, in particular, through the OAU Mechanism for Conflict Prevention, Management and Resolution ;
- (f) to promote and defend African common positions on issues of concern to the Continent and its peoples ;
- (g) to promote and support fundamental research and development in the fields of science and technology, for the development of the continent ;
- (h) to promote sustainable development, in particular, the protection of environment ;
- (i) to create conducive conditions for the continent to play its rightful role in the global economy and in international negotiations ;
- (j) to mobilize international support and solidarity towards Africa ; and
- (k) to address the scourge of pandemic on the continent.

ARTICLE 5 — COMMON POLICIES

1. To realize these objectives, the Member States shall develop and adopt common policies, in particular, in the following fields —

- (a) Peace, security and stability —
  - (i) defense and security,
  - (ii) prevention, management and resolution of conflicts,
  - (iii) humanitarian and human rights issues ;
- (b) Socio-economic co-operation and integration ;

(1) Member States shall accelerate the implementation of the AEC Treaty, in particular, through —

(i) Shorten the implementation stages of the Abuja Treaty ;

(ii) Ensuring the speedy establishment of all the institutions provided for in the Abuja Treaty, such as the African Central Bank, the African Monetary Union, the African Court of Justice and, in particular, the Pan-African Parliament ;

(iii) Strengthening and consolidating the Regional Economic Communities as the pillars for achieving the objectives of the African Economic Community and realizing the envisaged Union.

(2) Member States shall promote their co-operation in particular in the following fields —

(i) Science, technology, health, research and development ;

(ii) Agriculture, industry, basic infrastructure, energy, natural resources and environment ;

(iii) Trade, money and finance ;

(iv) Human resources, education and culture ;

(v) Transport and communications.

2. Member States shall build these common policies on the relevant provisions of the OAU Charter, the AEC Treaty and all other relevant legal instruments and declarations adopted by the Assembly.

3. Member States shall actively and faithfully promote these common policies and ensure that they are reflected in their national policies. In regard, they shall adopt a selective approach on the basis of convergence criteria freely agreed to in the different stages leading to the economic integration of the continent.

#### ARTICLE 6 — COMMON POSITIONS

Member States shall adopt common positions on issues of concern to the Union and shall defend these positions in all fora and co-ordinate their action so as to ensure the effectiveness of the Union as a cohesive force in international relations.

#### ARTICLE 7 — MEMBERSHIP

Membership of the Union shall be open to all Member States of the OAU.

#### ARTICLE 8 — ORGANS

1. The Organs of the Union shall be —

(a) The Assembly of Heads of State and Government ;

(b) The Council of Ministers ;

(c) The Economic and Social Commission ;

(d) The Pan African Parliament ;

(e) The African Court of Justice ;

(f) The General Secretariat ; and

(g) Other Organs provided for in the OAU Charter and the AEC Treaty.

2. Each organ shall act within the limits of the powers conferred upon it by this Treaty, the OAU Charter and the AEC Treaty.

ARTICLE 9 — THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

The Assembly shall be the Assembly of Heads of State and Government as provided for in the OAU Charter and the AEC Treaty.

ARTICLE 10 — FUNCTIONS AND POWERS OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

1. The Assembly shall be the supreme organ of the Union. In that capacity it shall be responsible for the formulation of general policies for the Union.

2. The Assembly shall receive and consider reports and recommendations from the other organs of the Union and may make decisions thereon.

3. The Assembly may delegate to Council its authority to take decisions in pursuance of this Article.

ARTICLE 11 — MEETINGS AND PROCEDURES OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

1. The Assembly shall meet once a year in regular session. An extraordinary session may be convened by the Chairman of the Assembly or at the request of a member State provided that such a request is supported by two-thirds of the members of the Assembly.

2. The office of the Chairman shall be held every year by one of the Heads of State and Government elected by the Assembly after consultation among Member States.

3. The Assembly shall adopt its Rules of Procedure, pending which, the Rules of procedure of the Assembly of Heads of State and Government of the OAU shall apply.

ARTICLE 12 — DECISIONS OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENT

1. The Assembly shall act by decisions.

2. Unless otherwise provided in this Treaty, decisions of the Assembly shall be adopted by consensus, failing that, by a two-thirds majority of Member States.

ARTICLE 13 — THE COUNCIL OF MINISTERS

The Council shall be the Council of Ministers as provided for in the OAU Charter and the AEC Treaty.

ARTICLE 14 — FUNCTIONS AND POWERS OF THE COUNCIL OF MINISTERS

1. The Council shall assist the Assembly in the discharge of its functions under this Treaty.

2. Request the Secretariat to undertake any activities or studies it considers necessary for the realization of the objectives of the Union.

ARTICLE 15 — MEETINGS AND PROCEDURES OF THE COUNCIL OF MINISTERS

1. The Council shall meet twice a year in Ordinary Session. One such session shall precede the Ordinary Session of the Assembly.

2. An Extraordinary Session may be convened by the Chairman of the Council or at the request of a Member State provided that such request is supported by two-thirds of the members of the Council.

3. The office of the Chairman of the Council shall be held by the Minister of Member State elected by the Council after consultations with its members.

4. The Council shall determine its Rules of Procedure, pending which, the Rules of Procedure of the Council of Ministers of the OAU shall apply.

ARTICLE 16 — DECISIONS/REGULATIONS OF THE COUNCIL OF MINISTERS

1. The Council shall act by decisions/regulations.

2. Unless otherwise provided in this Treaty, decisions/regulations shall be adopted by consensus or, failing that, by two-thirds majority of Member States.

ARTICLE 17 — THE ECONOMIC AND SOCIAL COMMISSION

The Commission shall be the Economic and Social Commission of the AEC as provided for in Articles 15 and 17 of the AEC Treaty.

ARTICLE 18 — THE PAN AFRICAN PARLIAMENT

The Parliament shall be the Pan-African Parliament of the AEC as provided for in Articles 7 and 14 of the AEC Treaty. The seat of the Pan-African Parliament shall be decided upon by the Assembly, taking into consideration the need for decentralization of the various institutions established under the Union within the Continent.

ARTICLE 19 — THE AFRICAN COURT OF JUSTICE

The Court shall be the Court of Justice of the AEC as provided for in Articles 7 and 18 of the AEC Treaty. The seat of the African Court of Justice shall be decided upon by the Assembly, taking into consideration the need for decentralization of the various institutions established under the Union within the continent.

ARTICLE 20 — THE GENERAL SECRETARIAT

1. The Secretariat shall be the General Secretariat of the OAU.

2. In the appointment of Staff of the Union and in addition to the need to ensure high integrity and competence, consideration shall be given to equitable geographical distribution of posts among all Member States and adequate gender representation.

ARTICLE 21 — FUNCTIONS AND POWERS OF THE GENERAL SECRETARIAT

The functions and powers of the Secretariat shall be as provided for under this Treaty, the OAU Charter and the AEC Treaty.

ARTICLE 22 — CO-OPERATION WITH OTHER ORGANIZATIONS AND ENTITIES

In pursuance of its objectives and, in conformity with the relevant provisions of the OAU Charter and the AEC Treaty, the Union shall closely co-operate with the Regional Economic Communities, other African Governmental and Non-Governmental organizations as well as the United Nations and its various agencies, international organizations and other relevant entities.

ARTICLE 23 — CONSULTATIONS WITH THE CIVIL SOCIETY

1. In order to provide a platform for the common peoples of Africa and their grassroots organizations to be more involved in discussions on the problems and challenges facing the continent, and enable them to make proposals and recommendations to the organs of the Union, consultative fora shall be convened by the Secretariat, on a regular basis.

2. The modalities of these consultations shall be determined by the Council upon recommendations by the Secretary-General.

ARTICLE 24 — BUDGET AND RESOURCES

1. The annual regular budget of the Union shall be prepared annually or within such periods as may be determined by the Council of Ministers upon recommendation of the Secretary-General.

2. The budget shall be funded by contributions made by Member States in accordance with the scale of assessment of the OAU. Upon the recommendation of the Council, the Assembly shall determine the conditions under which the financial contributions of Member States may be supplemented or where necessary, replaced by the proper resources of the Union.

3. The Secretary-General may accept on behalf of the Union, gifts, bequests and other donations made to the Union. He/she shall inform the Assembly through the Council accordingly.

4. Special budgets shall be made available, where necessary, to meet the extra-budgetary expenditure of the Union. The Assembly shall determine the contributions of Member States to special budgets of the Union.

5. Upon the decision of the Assembly, any Member State having areas in the payment of its contribution to the budget of the union, shall not have the right to vote or participate in taking decisions of the Union if the amount of its arrears is equal to, or in excess of the contributions payable by such State for the last preceding two financial years. Such Member States shall cease to enjoy other benefits arising by virtue of this Treaty as well as the rights to address meetings. In addition, it shall lose the right to present candidates for vacant posts within the Union and shall not be eligible for office in the deliberative Organs of the Union. The Assembly may, where necessary, impose other sanctions on a Member State for non-payment of contributions.

6. Notwithstanding the provisions of paragraph 1 of this Article, the Assembly may suspend the application of the provisions of the said paragraph if it is satisfied, on the basis of an explanatory report by the Member States through the Secretary-General, that the non-payment of contributions is due to causes and circumstances beyond the control of the said Member State.

7. The Assembly shall decide on the modalities for the application of this Article.

ARTICLE 25 — THE SEAT OF THE UNION

The seat of the Union shall be the seat of the OAU.

ARTICLE 26 — WORKING LANGUAGES OF THE UNION

The working languages of the Union shall be the working languages of the OAU.

ARTICLE 27 — LEGAL CAPACITY, IMMUNITIES AND PRIVILEGES

1. The Union shall enjoy in the territory of Member States legal personality for the exercise of its functions and the fulfilment of its objectives.

2. The Union and its officials shall be entitled to the privileges and immunities provided for under the General Convention on privileges and immunities of the OAU.

ARTICLE 28 — INTERPRETATION

Any question which may arise concerning the interpretation of this Treaty shall be decided by the Court and until it is established, by a simple majority of the Assembly.

## ARTICLE 29 — SIGNATURE AND RATIFICATION

This Treaty and the Protocols, shall be open to signature and ratification and accession by the High Contracting Parties in accordance with their respective constitutional procedures. The instruments of ratification/accession shall be deposited with the Secretary-General of the Union.

## ARTICLE 30 — ENTRY INTO FORCE

This Treaty shall enter into force thirty (30) days after the deposit of the instrument of ratification by two-thirds of the Parties signatory to this Treaty.

## ARTICLE 31 — ACCESSION AND ADMISSION

1. Any Member State of the OAU may notify the Secretary-General of its intention to accede to this Treaty.

2. The Secretary-General shall, upon receipt of such notification, transmit copies thereof to all Member States. Admission shall be decided by simple majority of Member States which shall transmit their votes to the Secretary-General. Upon receipt of the required number of votes, the Secretary-General shall transmit the decision to the concerned Member State.

## ARTICLE 32 — WITHDRAWAL

1. Any Member State wishing to withdraw from the Union shall notify by giving one-year notice in writing, to the Secretary-General who shall inform Member States thereof upon the expiration of such a period, that Member State shall, if the notice is not withdrawn, cease to be a Member of the Union.

2. During the period of one year, referred to in paragraph 1 of this Article, any Member State wishing to withdraw from the Union shall comply with the provisions of this Treaty and shall be bound to discharge its obligations under this Treaty up to the date of its withdrawal.

## ARTICLE 33 — DEPOSITORY OF THE TREATY

1. This Treaty, drawn up in four (4) original texts in Arabic, English, French and Portuguese, all four (4) texts being equally authentic shall be deposited with the Secretary-General of the Union.

2. The Secretary-General shall notify Member States of the dates of deposit of the instruments of ratification or accession and shall upon the entry into force of this Treaty register the same with the Secretariat of the United Nations.

## ARTICLE 34 — AMENDMENT, REVIEW OR REVISION OF THE TREATY

1. Any Member State may submit proposals for the amendment or revision of this Treaty.

2. Proposals for amendment or revision shall be submitted to the Secretary-General who shall transmit the same to Member States within thirty (30) days of receipt thereof.

3. The Assembly upon the advice of the Council shall examine these proposals within a period of one year following notification of Member States in accordance with the provision of paragraph 2 of this Article.

4. Amendments or revisions shall be adopted by the Assembly by consensus or, failing that, by two-thirds majority and submitted for ratification by all Member States in accordance with their

respective constitutional procedures. They shall enter into force Thirty (30) days after the deposit of the instrument of ratification by two-thirds of the Member States with the Secretary-General.

IN WITNESS WHEREOF, WE, the Heads of State and Government of the Member States of the African Union, have signed this Treaty.

DONE at ..... this ..... day of ....., 2003.

EXPLANATORY MEMORANDUM

This Act provides for an Act to enable effect to be given in the Federal Republic of Nigeria to the Treaty to establish the African Union.

**SCHEDULE TO THE TREATY TO ESTABLISH THE AFRICAN UNION (RATIFICATION AND ENFORCEMENT) BILL, 2003.**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Treaty to establish the African Union (Ratification and Enforcement) Bill, 2003.	An Act to enable effect to be given in the Federal Republic of Nigeria to the Treaty to establish the African Union ; and for purposes connected therewith.	This Bill seeks to provide for an Act to enable effect to be given in the Federal Republic of Nigeria to the Treaty to establish the African Union.	17th December, 2003	9th December, 2003

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
23rd Day of December, 2003.

CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
24th Day of December, 2003.

I ASSENT.





**ALLOCATION OF REVENUE (ABOLITION OF DICHOTOMY IN THE APPLICATION OF  
THE PRINCIPLE OF DERIVATION) ACT, 2004**



**ARRANGEMENT OF SECTIONS**

*Section:*

1. Abrogation of the Onshore and Offshore Dichotomy.
2. Short title.

**ALLOCATION OF REVENUE (ABOLITION OF DICHOTOMY IN THE  
APPLICATION OF THE PRINCIPLE OF DERIVATION) ACT, 2004**

**2004 ACT No.**

[ 16th February, 2004 ]

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

1.—(1) As from the commencement of this Act, the two hundred metre water depth Isobath contiguous to a State of the Federation shall be deemed to be a part of that State for the purposes of computing the revenue accruing to the Federation Account from the State pursuant to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 or any other enactment.

(2) Accordingly, for the purposes of the application of the Principle of Derivation, it shall be immaterial whether the revenue accruing to the Federation Account from a State is derived from natural resources located onshore or offshore.

2. This Act may be cited as the Allocation of Revenue (Abolition of Dichotomy in the Application of the Principle of Derivation) Act, 2004.

Commencement.

Abrogation of the Onshore and Offshore Dichotomy 1999 No. 24.

Short title.

EXPLANATORY MEMORANDUM

This Act abolishes any dichotomy between resources derived onshore and those derived offshore in the application of the Principle of Derivation for the purposes of revenue allocation.

**SCHEDULE TO ALLOCATION OF REVENUE (ABOLITION OF DICHOTOMY  
IN THE APPLICATION OF THE PRINCIPLE OF DERIVATION) BILL, 2004.**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Allocation of Revenue (Abolition of Dichotomy in the Application of the Principle of Derivation) Bill, 2004.	An Act to abolish the Dichotomy in the Application of the Principle of Derivation for the purpose of allocation of revenue accruing to the Federation Account; and for matters connected therewith.	This Bill seeks to abolish any dichotomy between resources derived onshore and those derived offshore in the application of the Principle of Derivation for the purposes of revenue allocation.	20th January, 2004	10th February, 2004

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
16th Day of February, 2004.

CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
16th Day of February, 2004.

I ASSENT



**THE SUPPLEMENTARY APPROPRIATION ACT, 2003**



ARRANGEMENT OF SECTIONS

*Section:*

1. Issue an Appropriation of ₦270,748,734,556.00 Consolidated Revenue Fund for 2003.
2. Release of funds from Consolidated Revenue Fund.
3. Prior approval of the National Assembly for virement.
4. Short title.

**THE SUPPLEMENTARY APPROPRIATION ACT, 2003**  
**2004 ACT No.**

AN ACT TO AUTHORISE THE ISSUE OUT FROM THE CONSOLIDATED REVENUE FUND OF THE FEDERATION THE TOTAL SUM OF TWO HUNDRED AND SEVENTY BILLION, SEVEN HUNDRED AND FORTY- EIGHT MILLION, SEVEN HUNDRED AND THIRTY-FOUR THOUSAND, FIVE HUNDRED AND FIFTY-SIX NAIRA (₦270,748,734,556.00) ONLY OUT OF WHICH THE SUM OF EIGHTY-ONE BILLION, EIGHTY-THREE MILLION, SIX HUNDRED AND SEVENTY THOUSAND, SIX HUNDRED AND EIGHTY-EIGHT NAIRA (₦81,083,670,688.00) ONLY IS FOR RECURRENT EXPENDITURE, AND NINETY BILLION, SIX HUNDRED AND SIXTY-FIVE MILLION, SIXTY-THREE THOUSAND, EIGHT HUNDRED AND SIXTY-EIGHT NAIRA (₦90,665,063,868.00) ONLY IS FOR CONTRIBUTION TO THE DEVELOPMENT FUND FOR CAPITAL PROJECTS FOR THE SERVICE OF THE FEDERATION, WHILE THE BALANCE OF NINETY-NINE BILLION NAIRA (₦99,000,000,000.00) ONLY IS FOR SHORTFALL IN INTEREST ON DOMESTIC DEBT FOR THE YEAR ENDING 31ST DECEMBER 2003.

[ 11th December, 2003 ]

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

1.—(1) The Accountant-General of the Federation shall, when authorised to do so by warrants signed by the Minister charged with responsibility for Finance, pay out of the Consolidated Revenue Fund of the Federation during the year ending 31st December, 2003 the sums specified by the warrants, not exceeding in the aggregate two hundred and seventy billion, seven hundred and forty-eight million, seven hundred and thirty four thousand, five hundred and fifty-six Naira (₦270,748,734,556.00) only.

(2) The amount mentioned in sub-section (1) of this section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

(3) No part of the amount shall be issued from the Consolidated Revenue Fund of the Federation after the end of the year mentioned in sub-section (1) of this section.

2.—(1) All amounts appropriated under this Act shall be made from the Consolidated Revenue Fund only for the purposes specified in the Schedule to this Act.

3. In the event that the implementation of any of the projects intended to be undertaken under this Act cannot be completed without virement, such virement may only be effected with the prior approval of the National Assembly.

4. This Act may be cited as the Supplementary Appropriation Act 2003.

Commen-  
cement.

Issue and  
appropriation  
of  
₦270,748,734,556.00  
from the  
Consolidated  
Revenue Fund  
for 2003.

Schedule.

Release of funds  
from the  
Consolidated  
Revenue Fund.

Prior approval  
of the National  
Assembly for  
virement.

Short Title.

## SCHEDULE

Section 1(2)

## PART A. — RECURRENT EXPENDITURE

		2003 Supplementary Allocation ₦
002002200022	Office of the Vice-President Additional overhead costs 2003	334,425,473
	National Boundary Commission Resolution of Bakassi dispute	1,000,000,000
	Other Agencies and Parastatals in the Presidency Special Adviser to the President on AGOA	50,000,000
002076200025	Nigerian Institute of Policy and Strategic Studies African Tours and additional overheads	60,000,000
002006200088	Ministry of Justice Judgment debt on National ID Card Project Nigerian Law School	836,577,379 520,000,000
002009200028	Office of National Security Adviser Additional funding	10,127,273,696
002300000009	Nigeria Police Force Feeding of recruits Local Transport and Travelling (Current Operational Tours) Clothing and Accountment Vehicle Maintenance and other Fixed Assets Police Anti-Crime Activities - Operation Fire for Fire Maintenance of Communication Equipment	1,758,610,558 500,000,000 1,500,000,000 1,000,000,000 500,000,000 500,000,000
002500000009	Agriculture and Natural Resources Office of the Permanent Representative to the United Nation Agencies for Food and Agriculture (Rome) — (Budget provision for 2003 omitted from Budget)	74,205,306
003000000007	Ministry of Defence 2002 Pension approved not cash backed Shortfall of 2003 Pension Directorate of Military Pensions Operations Fund Repatriation allowance for military personnel	5,400,000,000 6,200,000,000 1,500,000,000 69,476,800
003200000008	Federal Ministry of Education World University Games, Korea 2003	345,039,000
003200000008	National Board for Technical Education Shortfall of 2003 Personnel Cost	857,423,856
003200000008	Commission for Colleges of Education Shortfall of 2003 Personnel Cost	963,978,780

003200000008	National Universities Commission Shortfall of 2002 Personnel Cost	3,785,000,000
	Special Presidential Grant to address shortfall in 2003 Recurrent grant (1st Installment)	1,728,386,750
003400000008	Ministry of Foreign Affairs Dues to African Union—2nd half 2002	167,813,333
	Directorate of Pilgrims	600,000,000
003500000007	Debt Management Office Cost of debt management	125,000,000
003500000007	Nigeria Customs Service Staff cost for additional 4,178 Personnel	816,000,000
003600000007	Ministry of Health Professional Allowance for 2002	3,850,000,000
	Arrears of contribution to World Health Organization	180,000,000
003800000008	Ministry of Information and National Orientation Production of "Sights and Sounds"	113,920,000
	Repatriation of Officers (Nigeria Information Service Centres)	380,000,000
003900000008	Ministry of Internal Affairs Shortfall of personnel cost for 2002 and 2003	1,608,713,315
003900000008	Nigerian Prison Service 2002 personnel cost not cash backed and arrears of professional allowance	675,111,389
	Arrears of Cost of Ration and cost of Gas for 2003	1,545,012,750
	Prisoners stores and uniform	450,000,000
003901200305	Nigeria Immigration Service Staff cost for additional 290 Personnel	46,261,236
	Office of the Secretary to Government of the Federation 2003 Presidential Inauguration Ceremony	500,000,000
	Reconciliation of Civil Service Pension Figures	50,000,000
	Ongoing Panels/Committees/Commission of Enquiry	400,000,000
004000000008	Office of the Head of Civil Service of the Federation Monetization of benefits - in- Kind of Civil Servants — Grade Level 15 and above	8,500,000,000
004100000009	National Drug Law Enforcement Agency Recruitment and Training of new officers	94,700,000
	National Information Technology Development Agency Salary Subvention	12,000,000
004400000007	Federal Institute of Industrial Research Maintenance of facilities destroyed by bomb blast	217,000,000
005100000007	Federal Ministry of Housing Shortfall of personnel cost omitted in 2003 Budget	200,553,985

54	Independent National Electoral Commission	
	Shortfall on 2003 Election Costs	1,971,234,432
	Federal Character Commission	
	Additional Recurrent	78,000,000
	Federal Road Safety Commission	
	Cost of daily operations supplementation	100,000,000
	National Population Commission	
	Obligation connected with trial census in January 2004	50,000,000
	Investment and Securities Tribunal	
	Overhead Costs	141,498,250
	National Assembly Debt	500,000,000
55	CONSOLIDATE FUNDS CHARGES	
	Parastatals Pensions	3,000,000,000
	SERVICE WIDE VOTE	
	Civil Service wage adjustments	
	To partially meet shortfall in Civil Service personnel costs	3,000,000,000
	Budget Office	
	Margin for increase in costs	
	Annual Leave and Check up for former Heads of State	50,000,000
	National Electric Power Authority	
	To clear backlog of electricity bills of Ministries and Agencies	7,000,000,000
	Public Service Wage Increase	
	General Wage increases	3,000,000,000
	Renewal of rent	
	Renewal of office rent	2,050,454,400
	<b>Recurrent Grand Total :</b>	<b><u>81,083,670,688</u></b>



## SCHEDULE

## PART B. — CAPITAL EXPENDITURE

<i>Head</i>	<i>Ministry and Department</i>	<i>2003 Supplementary Allocation. ₦</i>
12	Ministry of Federal Capital Territory	
	Rehabilitation of International Conference Centre	651,180,600
	Extension of Nnamdi Azikiwe International Airport, Abuja	5,000,000,000
	Complementary Infrastructure—Abuja	5,000,000,000
	Extension of National Assembly Complex	3,825,000,000
	Completion and furnishing of Abuja Int'l Sofitel Hotel—US\$ 35.7 million	4,617,774,826
	2 x 15 MVA 33/11KV Sub-Station at Gwarinpa	250,000,000
	Karmo Infrastructure	4,000,000,000
	<b>Total</b>	<b>23,343,955,426</b>
14	Ministry of Finance	
	Equity contribution to NDIC	102,050,000
	<b>Total</b>	<b>102,050,000</b>
	Ministry of Education	
	Universal Basic Education	1,750,000,000
	<b>Total</b>	<b>1,750,000,000</b>
14	Economic and Financial Crimes Commission	
	Purchase of office accommodation and generators	200,300,000
	<b>Total</b>	<b>200,300,000</b>
31	The Presidency (State House)	
	Renovation of Akinola Aguda House	1,000,000,000
	Completion of State Banquet Hall	1,000,000,000
	<b>Total</b>	<b>2,000,000,000</b>
40	Ministry of Works	
	Rehabilitation of two major bridges at Km 12 Enugu-PH Road	1,000,000,000
	Dualisation of Abeokuta-Otta Expressway	1,500,000,000
	Tombia Bridge	650,000,000
	Yola-Mubi Road	1,600,000,000
	Primary Roads in Yenagoa	1,350,000,000
	Completion of Rehabilitation of Enugu-Port Harcourt Road	1,300,000,000
	Completion of Rehabilitation of Ihiala - Orlu - Umudimu road	667,000,000
	Owerri - Onitsha road	1,000,000,000
	Shagamu - Benni road	2,000,000,000
	Itigidi bridge	2,000,000,000
	Bonny - Bodo - Chara road	2,000,000,000
	Abuja - Keffi - Akwanga dualization	1,300,000,000
	<b>Total</b>	<b>16,367,000,000</b>

	Federal Ministry of Housing	
	Shortfall of Capital Expenditure omitted in 2003 Budget	1,405,938,000
	<b>Total</b>	<b>1,405,938,000</b>
41	Ministry of Agriculture and Rural Development	
	Strategic grains reserve 40,000 metric tons	1,200,000,000
	<b>Total</b>	<b>1,200,000,000</b>
	Capital Supplementation	
	Debt owed to local contractors on capital projects	10,000,000,000
	<b>Total</b>	<b>10,000,000,000</b>
42	Ministry of Defence	
	Purchase of Arm and Ammunitions and Barracks development	520,820,442
	Construction of quarters for soldiers and officers at NDA	1,000,000,000
	Purchase of weapons for "Operation Harmony"	5,000,000,000
	<b>Total</b>	<b>6,520,820,442</b>
43	Federal Ministry of Health	
	Modernisation of 8 Teaching Hospitals	5,842,000,000
	<b>Total</b>	<b>5,842,000,000</b>
45	Ministry of Power and Steel	
	Establishment of 828 MW power stations at Ajaokuta	10,000,000,000
	Establishment of 670 MW power stations at Okitipupa	5,000,000,000
	<b>Total</b>	<b>15,000,000,000</b>
	Federal Ministry of Sports and Social Development	
	National Stadium Complex Abuja	5,000,000,000
	International Cultural Zone and Doping Control Centre	1,060,000,000
	<b>Total</b>	<b>6,060,000,000</b>
	Independent National Electoral Commission	
	Construction of office building	473,000,000
	<b>Total</b>	<b>473,000,000</b>
	Federal Road Safety Commission	
	Purchase of operational vehicles and equipment	400,000,000
		<b>400,000,000</b>
	<b>Capital Grand Total</b>	<b>90,665,063,868</b>
	<b>Total (Recurrent + Capital)</b>	<b>171,748,734,556</b>

PART C. — DEBT EXPENDITURE		2003 Supplementary Allocation
Head	Ministry/Department	₦
	Shortfall in interest on domestic debt	99,000,000,000
	<b>Sub-Total</b>	<b>99,000,000,000</b>
	<b>Grand Total (Recurrent + Capital + Shortfall in interest on Domestic Debt)</b>	<b>270,748,734,556</b>

## EXPLANATORY MEMORANDUM

This Act provides for the issue out of the Consolidated Revenue Fund of the Federation the sum of ₦270,748,734,556.00 out of which ₦81,083,670,688.00 is for Recurrent Expenditure, and ₦90,665,063,868.00 is for contribution to the Development Fund for capital projects, while the balance of ₦99,000,000,000.00 is for shortfall in interest on domestic debt.

## SCHEDULE TO THE SUPPLEMENTARY APPROPRIATION BILL, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
The Supplementary Appropriation Bill, 2003.	An Act to Authorise the Issue Out from the Consolidated Revenue Fund of the Federation the total sum of Two Hundred and Seventy Billion, Seven Hundred and Forty- Eight Million, Seven Hundred and Thirty-Four Thousand, Five Hundred and Fifty-Six Naira (₦270,748,734,556.00) only out of which the sum of Eighty-One Billion, Eighty-Three Million, Six Hundred and Seventy Thousand, Six Hundred And Eighty-Eight Naira (₦81,083,670,688.00) only is for Recurrent Expenditure, and Ninety Billion, Six Hundred and Sixty-Five Million, Sixty-Three Thousand, Eight Hundred and Sixty-Eight Naira (₦90,665,063,868.00) only is for Contribution to the Development Fund for Capital Projects for the Service of the Federation, while the Balance of Ninety-Nine Billion Naira (₦99,000,000,000.00) only is for Shortfall in Interest on Domestic Debt for the Year ending 31st December 2003.	This Bill seeks to provide for the issue out of the Consolidated Revenue Fund of the Federation the sum of ₦270,748,734,556.00 out of which ₦81,083,670,688.00 is for Recurrent Expenditure, and ₦90,665,063,868.00 is for contribution to the Development Fund for capital projects, while the balance of ₦99,000,000,000.00 is for shortfall in interest on domestic debt.	10th December, 2003.	10th December, 2003.

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
Clerk to the National Assembly  
10th Day of December, 2003.

CHIEF OLUSEGUN OBASANJO, GCFR  
President of the Federal Republic of Nigeria  
11th Day of December, 2003.

I ASSENT.



## THE APPROPRIATION ACT, 2004



## ARRANGEMENT OF SECTIONS

*Section:*

1. Issue and appropriation of ₦1,302,523,844,588.00 from the Consolidated Revenue Fund for 2004.
  2. Release of funds from Consolidated Revenue.
  3. Virement.
  4. Excess revenue.
  5. Special Fund Account.
  6. Authorisation.
  7. Monthly Report.
  8. Waiver not to incur expenditure.
  9. Short Title.
- Schedule.
- Part A — Statutory Transfers.
- Part B — Debt Service.
- Part C — Recurrent (Non-Debt) Expenditure.
- Part D — Capital Expenditure.

**THE APPROPRIATION ACT, 2004**  
**2004 ACT No.**

AN ACT TO AUTHORISE THE ISSUE FROM THE CONSOLIDATED REVENUE FUND OF THE FEDERATION THE TOTAL SUM OF ₦1,302,523,844,588.00 (ONE TRILLION, THREE HUNDRED AND TWO BILLION, FIVE HUNDRED AND TWENTY-THREE MILLION, EIGHT HUNDRED AND FORTY-FOUR THOUSAND, FIVE HUNDRED AND EIGHTY-EIGHT NAIRA) ONLY FOR WHICH THE SUM OF ₦44,000,000,000.00 (FORTY-FOUR BILLION NAIRA) ONLY IS FOR STATUTORY TRANSFERS AND THE SUM OF ₦369,369,000,000.00 (THREE HUNDRED AND SIXTY-NINE BILLION, THREE HUNDRED AND SIXTY-NINE MILLION NAIRA) ONLY IS FOR DEBT SERVICE, WHILE THE SUM OF ₦539,286,472,751.00 (FIVE HUNDRED AND THIRTY-NINE BILLION, TWO HUNDRED AND EIGHT-SIX MILLION, FOUR HUNDRED AND SEVENTY-TWO THOUSAND, SEVEN HUNDRED AND FIFTY-ONE NAIRA) ONLY IS FOR RECURRENT (NON-DEBT) EXPENDITURE AND THE BALANCE OF ₦349,868,371,837.00 (THREE HUNDRED AND FORTY-NINE BILLION, EIGHT HUNDRED AND SIXTY-EIGHT MILLION, THREE HUNDRED AND SEVENTY-ONE THOUSAND, EIGHT HUNDRED AND THIRTY-SEVEN NAIRA) ONLY IS FOR CONTRIBUTION TO THE DEVELOPMENT FUND FOR CAPITAL EXPENDITURE OF THE GOVERNMENT OF THE FEDERATION FOR THE YEAR ENDING 31ST DECEMBER, 2004.

[ 21st, April, 2004 ]

Commen-  
cement.

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

1.—(1) The Accountant-General of the Federation shall, when authorized to do so by warrants signed by the Minister charged with responsibility for finance, pay out of the Consolidated Revenue Fund of the Federation during the year ending 31st December, 2004 the sums specified by the warrants, not exceeding in the aggregate ₦1,302,523,844,588.00 (one trillion, three hundred and two billion, five hundred and twenty-three million, eight hundred and forty-four thousand, five hundred and eighty-eight Naira) only.

Issue and  
appropriation  
of  
₦1,302,523,844,588  
from the  
Consolidated  
Revenue Fund  
for 2004.

(2) The amount mentioned in subsection (1) of this section shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

Schedule.

(3) No part of the amount aforesaid shall be issued from the Consolidated Revenue Fund of the Federation after the end of the year mentioned in subsection (1) of this section.

2. All amounts appropriated under this Act shall be released from the Consolidated Revenue Fund of the Federation only for the purposes specified in the Schedule to this Act.

Release of  
funds from  
the  
Consolidated  
Revenue Fund.  
Schedule.

3. In the event that the implementation of any of the project intended to be undertaken under this Act cannot be completed without virement, such virement shall only be effected with the prior approval of the National Assembly.

Virement.

4.—(1) The Accountant-General of the Federation shall immediately upon the coming into force of this Act maintain a separate record for the documentation of revenue accruing to the Consolidated Revenue Fund in excess of oil price bench mark adopted in this budget.

Excess Revenue.

(2) Such revenues as specified in subsection (1) of this section refers to revenues accruing from sales of government crude in excess of \$25.00 per barrel.

Special Fund  
Account.

5. The Accountant-General of the Federation shall immediately upon the coming into force of this Act create an account in the Central Bank of Nigeria for all monies accruing into the Consolidated Revenue Funds of the Federal Government from the Special Funds impounded by Executive Order of the President of the Federal Republic of Nigeria.

Authorisation.

6. No fund shall be paid out of the monies arising from the record specified in section 4 or the Account specified in section 5 of this Act except by an Act of the National Assembly.

Monthly  
Report.

7.—(1) The Accountant-General of the Federation and the Governor of the Central Bank of Nigeria shall immediately upon the coming into force of this Act furnish the National Assembly, on a monthly basis, the status of the record as referred to in section 4 and account referred to in section 5 and all other government accounts.

(2) All accounting officers of Ministries, Parastatals and departments of government who control heads of expenditure shall present to the National Assembly quarterly reports detailing the progress of implementation of the provisions of this Act.

Waiver not  
to incur  
expenditure.

8. Where, due to revenue shortfall, amounts appropriated under this Act cannot be funded, the Minister of Finance shall seek from the National Assembly a waiver not to incur such expenditure.

Short title.

9. This Act may be cited as the Appropriation Act 2004.

## SCHEDULE

Sections 1 (2) and 2

## PART A. — STATUTORY TRANSFERS AND OTHER INSTITUTIONAL TRANSFERS

		2004
		Appropriation
		₦
<b>A1</b>	<b>Statutory Transfers</b>	
	National Judicial Council	30,000,000,000
	Niger Delta Development Commission	14,000,000,000
	Grants to States	0
	<b>SUB-TOTAL</b>	<b>44,000,000,000</b>
<b>A2</b>	<b>Other Transfers for Appropriation</b>	
	Education Tax Fund	18,000,000,000
	7% Port Subcharge	11,761,000,000
	Custom Levies	23,363,500,000
	Joint Venture Cash Calls	435,200,000,000
	<b>SUB-TOTAL</b>	<b>488,324,500,000</b>
	<b>TOTAL</b>	<b>532,324,500,000</b>

## SCHEDULE

## PART B. — DEBT SERVICE

		2004
		Appropriation
		₦
<b>Creditor and Type of Instrument</b>		
	Temporary Overdrafts	11,200,000,000
	Treasury Bills	121,314,000,000
	Treasury Bonds	40,142,000,000
	Development Stocks	153,000,000
	FGN Bond	12,960,000,000
	FGN Bond - New Issues	0
	<b>TOTAL DOMESTIC DEBT SERVICE</b>	<b>185,769,000,000</b>
	Paris Club	148,792,160,000
	Multilateral	58,888,000,000
	London Club	12,256,320,000
	Promissory Note	23,280,480,000
	Non-Paris Club	1,583,040,000
	<b>TOTAL FOREIGN DEBTS SERVICE</b>	<b>244,800,000,000</b>
	FGN Share of Foreign Debts - 75%	183,600,000,000
	<b>TOTAL - FGN DEBT SERVICE</b>	<b>369,369,000,000</b>



## SCHEDULE

## PART C. — RECURRENT NON-DEBT EXPENDITURE

	2004 <i>Appropriation</i> ₦
<b>PRESIDENCY :</b>	
State House	6,275,138,780
Office of the Vice-President	849,089,167
Part II Parastatals	1,766,205,299
Economic and Financial Crimes Commission	452,630,432
State Protocol	342,524,022
Secretary to the Government of the Federation	1,637,980,781
Office of National Security Adviser and Intelligence Community	13,063,974,574
National Planning Commission	986,089,141
Federal Office of Statistics	1,105,270,049
Other Agencies and Parastatals in the Presidency	8,820,872,544
<b>SUB-TOTAL</b>	<b>35,299,774,789</b>
National Assembly Office (Part I)	2,553,536,999
National Assembly Service Commission	212,537,517
PAC Secretariat House	72,500,000
PAC Secretariat Senate	72,500,000
House of Representatives	16,676,533,426
Senate	11,241,962,802
Legislative Aides	1,399,753,591
<b>SUB-TOTAL</b>	<b>32,229,324,335</b>
Ministry of Inter-Governmental Affairs and Special Duties	684,000,000
Police Formation and Commands	63,776,205,618
Ministry of Women Affairs	12,533,347,816
Agriculture and Natural Resources	8,434,349,367
Office of the Auditor-General of the Federation	1,358,292,151
Code of Conduct Bureau	525,300,410
Water Resources and Rural Development	3,291,276,462
Defence	65,400,230,288
National Population Commission	2,423,291,153
<b>SUB-TOTAL</b>	<b>158,426,293,265</b>
<b>EDUCATION</b>	
Main (Part I)	2,285,865,899
Parastatals (Part II)	2,239,866,251
Unity School (Part III)	8,798,843,615
Unity School Meal Subsidy	2,600,000,000
Education Part IV (NUC)	36,377,052,062
(Direct Teaching and Laboratory Costs)	3,250,000,000
(Special Grant NUGA Games)	0
Education Part V (NBTE)	9,883,558,510
(Direct Teaching and Laboratory Costs)	

	2004 Appropriation ₦
Education Part VI : Commission for Colleges of Education (Direct Teaching and Laboratory Costs)	6,121,027,920
Education Part VII : National Library of Nigeria	388,588,525
Universal Basic Education Part IX	273,084,057
Education Instructional Materials	0
Primary Education	0
Nomadic Education Instructional Materials	0
<b>SUB-TOTAL</b>	<b>72,217,886,839</b>
Foreign Affairs Part I	3,922,571,561
Foreign Affairs Part II	10,500,000,000
<b>SUB-TOTAL</b>	<b>14,422,571,561</b>
Finance	13,496,407,044
Health	33,377,376,511
Industry	2,183,795,836
Information and National Orientation Agency	8,927,626,447
Internal Affairs	22,758,408,837
Office of the Head of Service of the Federation	2,863,526,467
Justice	2,820,202,226
Labour and Productivity	3,552,305,043
Power and Steel	4,311,614,817
Science and Technology and 41 Parastatals	3,352,167,903
Sports and Social Development	2,879,074,575
Public Complaints Commission	759,339,624
Federal Civil Service Commission	433,228,520
Commerce	2,225,383,801
Transport	3,074,042,133
Petroleum Resources Part I (Headquarters)	482,325,917
Petroleum Resources Part II (PTI)	1,860,885,490
Petroleum Resources Part III (DPRS)	4,658,964,864
Petroleum Products Pricing and Regulatory Agency	0
Petroleum Equalisation Fund Management	0
Nigerian Nuclear Regulatory Authority	0
Works	15,523,842,560
Housing	5,147,664,923
Communications	3,553,253,586
Consolidated Revenue Fund Charges, Excluding Debt Charges	70,103,249,081
Independent National Electoral Commission	4,087,371,795
Contingencies	500,000,000
Service-Wide Votes	1,001,000,000
Ministry of Solid Minerals	1,223,420,899
Aviation	1,039,063,666

	2004 <i>Appropriation</i> N
National Salaries and Wages Commission	147,466,933
Federal Character Commission	921,107,669
Office of the Minister of Co-operation and Integration in Africa	342,096,741
Ministry of Environment	2,570,898,363
Ministry of Police Affairs and Police Pension Office	1,622,956,879
Culture and Tourism	2,421,466,085
National Revenue Mobilisation, Fiscal and Allocation Commission	635,044,967
Independent Corrupt Practices and Other Related Offences Commission	334,041,761
Sinking Fund for Payment of Judgement Debt by Ministry of Justice	0
Emergency and Disaster Fund (Contingency)	0
Margin for Increased Costs	500,000,000
Professional Allowances (Institutions and Research Centres)	1,000,000,000
<b>SUB-TOTAL</b>	<b>226,690,621,963</b>
<b>TOTAL RECURRENT</b>	<b>539,286,472,751</b>

## SCHEDULE

## PART D — CAPITAL EXPENDITURE

<i>Ministry, Department and Agency</i>	2004 <i>Appropriation</i> N
THE EXECUTIVE	
Agriculture and Rural Development	10,550,000,000
Auditor-General for the Federation	51,000,000
Aviation	4,620,700,000
Co-operation and Integration in Africa	424,000,000
Commerce	1,170,000,000
Communication	2,680,000,000
Culture and Tourism	1,500,000,000
Defence	10,657,110,640
Education	21,550,000,000
Employment, Labour and Productivity	750,000,000
Environment	909,875,000
Ministry of Federal Capital Territory	32,970,000,000
Finance	3,970,000,000
Foreign Affairs	3,000,000,000
Head of Service of the Federation including Federal Housing Loan Board	1,817,328,000
Health	26,410,000,000
Housing	2,848,500,000
Industry	1,388,500,000
Information	4,065,000,000
Internal Affairs	6,124,880,000
Inter-Governmental Affairs and Special Duties	245,000,000
Justice	860,000,000
Police Affairs and Police Force	10,000,000,000
Petroleum Resources	150,000,000
Power and Steel	54,624,000,000
Science and Technology	5,701,000,000
Secretary to the Government of the Federation	4,851,000,000
Solid Minerals Development	4,008,250,000
Sports and Social Development	1,000,000,000
State House	10,906,810,000
Office of the National Security Adviser	3,000,000,000
Transport	2,450,000,000
Water Resources	37,497,754,831
Women and Youth Development	785,248,680
Works	46,607,064,300
National Planning Commission	1,297,000,000
Revenue Mobilisation, Allocation and Fiscal Commission	0
Independent Corrupt Practices Commission	100,000,000
<b>TOTAL EXECUTIVE</b>	<b>321,832,371,837</b>

<i>Ministry, Department and Agency</i>	2004 <i>Appropriation</i> ₦
Code of Conduct Bureau	50,000,000
Federal Civil Service Commission	50,000,000
Federal Character Commission	50,000,000
Independent National Electoral Commission	1,700,000,000
<b>TOTAL STATUTORY AGENCIES</b>	<b>1,850,000,000</b>
<b>CAPITAL SUPPLEMENTATION :</b>	
<b>NATIONAL BOUNDARY COMMISSION :</b>	
Regular Capital Projects	200,000,000
Special Projects	5,000,000,000
<b>SUB-TOTAL NATIONAL BOUNDARY COMMISSION</b>	<b>5,200,000,000</b>
Counterpart Funding	1,328,000,000
EU Counterpart Funding of Euro 2m to the EDF Project (National Assembly)	400,000,000
Funding Support for UNDP Assistance Projects	272,000,000
Adjustment to Capital Costs	500,000,000
2005 National Census Exercise	5,000,000,000
Payments of Debts to Contractors	7,500,000,000
Development and Rehabilitation of Military Barracks	2,000,000,000
FGN Equity Contribution to African Re-Insurance	686,000,000
FGN Equity Contribution to New Nigeria Newspaper	300,000,000
Contingency Funds	500,000,000
<b>SUB-TOTAL</b>	<b>18,486,000,000</b>
<b>TOTAL CAPITAL SUPPLEMENTATION</b>	<b>23,686,000,000</b>
<b>THE LEGISLATURE</b>	
National Assembly Office	483,000,000
Senate	784,000,000
House of Representatives	1,183,000,000
National Assembly Service Commission	50,000,000
<b>TOTAL NATIONAL ASSEMBLY</b>	<b>2,500,000,000</b>
<b>GRAND TOTAL (CAPITAL EXPENDITURE)</b>	<b>349,868,371,837</b>
<b>GRAND TOTAL</b>	<b>889,154,844,588</b>

EXPLANATORY MEMORANDUM

This Act provides for the issue out of the Consolidated Revenue Fund of the Federation the sum of ₦1,302,523,844,588.00 (One Trillion, Three Hundred and Two Billion, Five Hundred and Twenty-Three Million, Eight Hundred and Forty-Four Thousand, Five Hundred and Eighty-Eight Naira) only for which the sum of ₦44,000,000,000.00 (Forty-Four Billion Naira) only is for Statutory Transfers and the sum of ₦369,369,000,000.00 (Three Hundred and Sixty-Nine Billion, Three Hundred and Sixty-Nine Million Naira) only is for Debt Service, while the sum of ₦539,286,472,751.00 (Five Hundred and Thirty-Nine Billion, Two Hundred and Eighty-Six Million, Four Hundred and Seventy-Two Thousand, Seven Hundred and Fifty-One Naira) only is for Recurrent (Non-Debt) Expenditure and the Balance of ₦349,868,371,837.00 (Three Hundred and Forty-Nine Billion, Eight Hundred and Sixty-Eight Million, Three Hundred and Seventy-One Thousand, Eight Hundred and Thirty-Seven Naira) only is for Contribution to the Development Fund for Capital Expenditure of the Government of the Federation for the Year ending 31st December, 2004.

## SCHEDULE TO THE SUPPLEMENTARY APPROPRIATION BILL, 2004

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
The Appropriation Bill, 2004.	An Act to authorise the issue from the Consolidated Revenue Fund of the Federation, the total sum of ₦1,302,523,844,588.00 (One Trillion, Three Hundred and Two Billion, Five Hundred and Twenty-Three Million, Eight Hundred and Forty-Four Thousand, Five Hundred and Eighty-Eight Naira) only for which the sum of ₦44,000,000,000.00 (Forty-Four Billion Naira) only is for Statutory Transfers and the sum of ₦369,369,000,000.00 (Three Hundred and Sixty-Nine Billion, Three Hundred and Sixty-Nine Million Naira) only is for Debt Service, while the sum of ₦539,286,472,751.00 (Five Hundred and Thirty-Nine Billion, Two Hundred and Eighty-Six Million, Four Hundred and Seventy-Two Thousand, Seven Hundred and Fifty-One Naira) only is for Recurrent (Non-Debt) Expenditure and the Balance of ₦349,868,371,837.00 (Three Hundred and Forty-Nine Billion, Eight Hundred and Sixty-Eight Million, Three Hundred and Seventy-One Thousand, Eight Hundred and Thirty-Seven Naira) only is for Contribution to the Development Fund for Capital Expenditure of the Government of the Federation for the Year ending 31st December, 2004.	This Bill seeks to provide for the issue out of the Consolidated Revenue Fund of the Federation, the total sum of ₦1,302,523,844,588.00 (One Trillion, Three Hundred and Two Billion, Five Hundred and Twenty-Three Million, Eight Hundred and Forty-Four Thousand, Five Hundred and Eighty-Eight Naira) only for which the sum of ₦44,000,000,000.00 (Forty-Four Billion Naira) only is for Statutory Transfers and the sum of ₦369,369,000,000.00 (Three Hundred and Sixty-Nine Billion, Three Hundred and Sixty-Nine Million Naira) only is for Debt Service, while the sum of ₦539,286,472,751.00 (Five Hundred and Thirty-Nine Billion, Two Hundred and Eighty-Six Million, Four Hundred and Seventy-Two Thousand, Seven Hundred and Fifty-One Naira) only is for Recurrent (Non-Debt) Expenditure and the Balance of ₦349,868,371,837.00 (Three Hundred and Forty-Nine Billion, Eight Hundred and Sixty-Eight Million, Three Hundred and Seventy-One Thousand, Eight Hundred and Thirty-Seven Naira) only is for Contribution to the Development Fund for Capital Expenditure of the Government of the Federation for the Year ending 31st December, 2004.	15th April, 2004.	20th April, 2004.

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
Clerk to the National Assembly  
20th Day of April, 2004.

CHIEF OLUSEGUN OBASANJO, GCFR  
President of the Federal Republic of Nigeria  
21st Day of April, 2004.

I ASSENT.



**COMPULSORY, FREE UNIVERSAL BASIC EDUCATION ACT, 2004**



ARRANGEMENT OF SECTIONS

*Section :*

PART I — COMPULSORY, FREE UNIVERSAL BASIC EDUCATION, ETC.

1. Federal Government intervention for uniform and qualitative basic education.
2. Right of a child to compulsory, free universal basic education, etc.
3. Services in public primary and junior secondary schools are free of charge.
4. Duty of a parent to ensure the education of his child.
5. Sections 2 and 3 not applicable to a child resident outside Nigeria.
6. Magistrate courts to have jurisdiction over certain offences.

PART II — ESTABLISHMENT AND MEMBERSHIP OF THE  
UNIVERSAL BASIC EDUCATION COMMISSION, ETC.

7. Establishment and membership of the Universal Basic Education Commission, etc.
8. Tenure of office.
9. Functions of the Commission.
10. Appointment of Executive Secretary and other staff of the Commission, etc.

PART III — FINANCING OF THE UNIVERSAL BASIC EDUCATION

11. Financing of the Universal Basic Education.

PART IV — ESTABLISHMENT, ETC OF STATES BASIC EDUCATION BOARD AND  
LOCAL GOVERNMENT EDUCATION AUTHORITY

12. Establishment of State Universal Basic Education Board.
13. Establishment etc, of Local Government Education Authority.
14. Repeal of Cap. 271 LFN 1990 and transitional provisions.
15. Interpretation.
16. Citation.

Schedule.



# COMPULSORY, FREE UNIVERSAL BASIC EDUCATION ACT 2004

2004 ACT No.

[ 26th May, 2004 ]

Commence-  
ment.

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

## PART I — COMPULSORY, FREE UNIVERSAL BASIC EDUCATION, ETC.

1. Without prejudice to the provisions of item 30 of Part II of the Second Schedule and item 2 (a) of the Fourth Schedule to the 1999 Constitution dealing with primary school education, the Federal Government's intervention under this Act shall only be an assistance to the States and Local Governments in Nigeria for the purposes of uniform and qualitative basic education throughout Nigeria.

Federal Government intervention for uniform and qualitative basic education.

2.—(1) Every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.

Right of a child to compulsory, free universal basic education, etc.

(2) Every parent shall ensure that his child or ward attends and completes his —

(a) primary school education ; and

(b) junior secondary school education,

by endeavouring to send the child to primary and junior secondary schools.

(3) The stake-holders in education in a Local Government Area, shall ensure that every parent or person who has the care and custody of a child performs the duty imposed on him under section 2(2) of this Act.

(4) A parent who contravenes section 2 (2) of this Act commits an offence and is liable —

(a) on first conviction, to be reprimanded ;

(b) on second conviction, to a fine of ₦2,000:00 or imprisonment for a term of 1 month or to both ; and

(c) on subsequent conviction, to a fine of ₦5,000:00 or imprisonment for a term of 2 months or to both.

3.—(1) The services provided in public primary and junior secondary schools shall be free of charge.

Services in public primary and junior secondary schools are free of charge.

(2) A person who receives or obtains any fee contrary to the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding N10,000:00 or imprisonment for a term of 3 months or to both.

4.—(1) Every parent shall ensure that his child receives full-time education suitable to his age, ability and aptitude by regular attendance at school.

Duty of a parent to ensure the education of his child.

(2) The provisions of sections 2 (2) and 4 (1) of this Act shall not apply to any parent who, for the time being, is resident outside Nigeria.

5. The provisions of sections 2 and 3 of this Act shall not apply to any child who is resident outside Nigeria and who has not received such education.

Sections 2 and 3 not applicable to a child resident outside Nigeria.

Magistrate courts to have Jurisdiction over certain offences.

6. The Magistrate Court or any other State Court of competent jurisdiction shall have jurisdiction to hear and determine cases arising under section 2 of this Act and to impose the punishment specified.

PART II — ESTABLISHMENT AND MEMBERSHIP OF THE  
UNIVERSAL BASIC EDUCATION COMMISSION, ETC.

Establishment and membership of the Universal Basic Education Commission, etc.

7.—(1) There is established a body to be known as the Universal Basic Education Commission (in this Act referred to as “the Commission”) which shall have a Board with the following as members —

- (a) a part-time chairman who is a seasoned educationist ;
- (b) one representative each not below the rank of a director from —
  - (i) the Federal Ministry of Education ; and
  - (ii) the Federal Ministry of Finance.
- (c) one member representing each of the six geo-political zones of the country ;
- (d) one representative each from —
  - (i) the Nigeria Union of Teachers ;
  - (ii) the National Parents/Teachers Association of Nigeria ; and
  - (iii) Women groups or societies;
- (e) two other members appointed on personal merit to represent a variety of interests;
- (f) one representative each not below the rank of a director from —
  - (i) National Teachers Institute ;
  - (ii) National Commission for Colleges of Education ;
  - (iii) National Commission for Mass Literacy Adult and Non-Formal Education ;
  - (iv) Nigerian Education Research and Development Council ; and
  - (v) National Commission for Nomadic Education ;
- (g) the Executive Secretary of the Commission, who is the Secretary and Member ;
- (h) two Deputy Executive Secretaries (Technical and Services) who shall assist the Executive Secretary.

(2) The Chairman and other members of the Commission shall be appointed by the President on the recommendation of the Minister.

Schedule.

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

Tenure of office.

8.—(1) The Chairman and members, other than ex-officio, Executive Secretary and his two Deputies shall hold office for a term of 4 years in the first instance and

may be re-appointed for a further term of 4 years upon satisfactory performance and no more.

(2) A member 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 for any fraudulent act or misconduct.

(3) A member may resign his membership by a notice in his hand writing, addressed to the President and that member shall, on the date of the acceptance of the resignation by the President, cease to be a member of the Board of the Commission.

9. The functions of the Commission shall be to —

Functions of  
the  
Commission.

(a) formulate the policy guidelines for the successful operation of the universal basic education programme in the Federation ;

(b) receive block grant from the Federal Government and allocate to the States and Local Governments and other relevant agencies implementing the Universal Basic Education in accordance with an approved formula as may be laid down by the Board of the Commission and approved by the Federal Executive Council; Provided that the Commission shall not disburse such grant until it is satisfied that the earlier disbursements have been applied in accordance with the provisions of this Act ;

(c) prescribe the minimum standards for basic education throughout Nigeria in line with the National Policy on Education and the directive of the National Council on Education and ensure the effective monitoring of the standards ;

(d) enquire into and advise the Federal Government on the funding and orderly development of basic education in Nigeria ;

(e) collate and prepare after consultation with the States and Local Governments, and other relevant stakeholders, periodic master plans for a balanced and co-ordinated development of basic education in Nigeria including areas of possible intervention in the provision of adequate basic education facilities which include—

(i) proposals to the Minister for equal and adequate basic education opportunity in Nigeria ;

(ii) the provision of adequate basic education facilities in Nigeria ; and

(iii) ensure that the Basic National Curricula and Syllabi and other necessary instructional materials are in use in early childhood care and development centres, primary and junior secondary schools in Nigeria ;

(f) carry out in concert with the States and Local Governments at regular intervals, a personnel audit of teaching and non-teaching staff of all basic education institutions in Nigeria ;

(g) monitor Federal inputs into the implementation of basic education ;

(h) present periodic progress reports on the implementation of the universal basic education to the President through the Minister ;

(i) co-ordinate the implementation of the universal basic education related activities in collaboration with non-governmental and multi-lateral agencies ;

- (j) liaise with donor agencies and other development partners in matters relating to basic education ;
- (k) develop and disseminate curricula and instructional materials for basic education in Nigeria ;
- (l) establish a basic education data bank and conduct research on basic education in Nigeria ;
- (m) support national capacity building for teachers and managers of basic education in Nigeria ;
- (n) carry out mass mobilization and sensitization of the general public and enter into partnerships with communities and all stake-holders in basic education with the aim of achieving the overall objectives of the Compulsory Free Universal Basic Education in Nigeria ;
- (o) carry out such other activities that are relevant and conducive to the discharge of its functions under this Act ; and
- (p) carry out such other functions as the Minister may, from time to time, determine.

Appointment  
of Executive  
Secretary and  
other staff of  
the  
Commission,  
etc.

10.—(1) There shall be appointed for the Commission a seasoned educationist as an Executive Secretary who shall —

- (a) be the chief executive and accounting officer of the Commission ;
- (b) be responsible for the day to day administration of the Commission ;
- (c) be appointed by the President on the recommendation of the Minister ;
- (d) hold office for a term of 5 years in the first instance, renewable for another 4 years on satisfactory performance and no more ; and
- (e) have terms and conditions of service as specified in his letter of appointment.

(2) There shall be appointed two Deputy Executive Secretaries (Technical and Services) to assist the Executive Secretary both of whom shall —

- (a) be appointed by the President on the recommendation of the Minister ;
- (b) hold office for a term of 5 years in the first instance, renewable for another term of 4 years upon satisfactory performance ; and
- (c) have terms and conditions of service, etc. as are specified in their letters of appointment.

(3) The Commission shall employ directly or on secondment from any civil or public service or any other body in the Federation or State, such number of employees as may, in the opinion of the Commission, be required to assist the Commission in the discharge of its functions under this Act and pay to persons so employed such remuneration (including allowances) as are applicable to other officers of equivalent rank in the civil service of the Federation or as may from time to time be determined by the Board.

(4) Employment under this section shall be in accordance with the provisions of section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.

(5) Service in the Commission shall be approved service for the purposes of the Pensions Act.

Cap. 346 LFN 1990.

(6) Nothing in subsection (3) of this section prevents the appointment of a person to an office on terms, which preclude the grant of pension and gratuity in respect of that office.

(7) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 of the Pensions Act is vested in and shall be exercisable by the Commission, and not by any other person or authority.

**PART III — FINANCING OF THE UNIVERSAL BASIC EDUCATION**

11.—(1) The implementation of the Universal Basic Education shall be financed from—

Financing of the Compulsory, Free Universal Basic Education.

(a) Federal Government block grant of not less than 2% of its Consolidated Revenue Fund ;

(b) funds or contributions in form of Federal guaranteed credits ; and

(c) local and international donor grants.

(2) For any State to qualify for the Federal Government block grant pursuant to sub-section 1(1) of this section, such State shall contribute not less than 50% of the total cost of projects as its commitment in the execution of the project.

(3) The administration and disbursement of funds shall be through the State Universal Basic Education Board.

**PART IV — ESTABLISHMENT, ETC. OF STATES BASIC EDUCATION BOARD AND LOCAL GOVERNMENT EDUCATION AUTHORITY**

12.—(1) There shall be established for each State, a State Universal Basic Education Board (in this Act referred to as the “Education Board”).

Establishment of State Universal Basic Education Board.

(2) The structure, functions, composition and tenure of office of the Chairman and members of the Education Board shall be prescribed by a law enacted for that purpose, by the House of Assembly of the State.

13.—(1) There shall be established, for each Local Government Area of a State and each Area Council of the Federal Capital Territory, Abuja, a Local Government Education Authority (in this Act referred to as “the Local Education Authority”) which shall be subject to the supervision of the Education Board.

Establishment, etc. of Local Government Education Authority.

(2) The structure, functions, composition and tenure of office of the Chairman and members of the Education Board shall be prescribed by a law enacted for that purpose, by the House of Assembly of the State.

14.—(1) The National Primary Education Commission Act is repealed.

Repeal of Cap. 271 LFN 1990 and transitional provisions.

(2) There shall be vested in the Commission all assets and liabilities, funds, resources and other movable and in-movable properties which immediately before

the commencement of this Act were vested in or were in the possession or under the control of the National Primary Education Commission.

(3) Notwithstanding the dissolution of the National Primary Education Commission, if it is expedient that any vacancy in the Commission should be filled by a person holding office immediately before the commencement of this Act in the National Primary Education Commission, it shall retain the services of the person and the previous services by such person shall count as service for the purpose of seniority.

Interpretation.

15.—(1) In this Act —

“Basic education means early childhood care and education and nine years of formal schooling ;

“child or ward “ means a person of primary or junior secondary school age who is between the age of 6 years and 16 years whether disabled or not ;

“Commission” means the Universal Basic Education Commission established by section 7 of this Act ;

“Education Board” means a State Universal Basic Education Board established by section 12 of this Act ;

“Functions” includes powers and duties ;

“Junior Secondary School” means a school which provides a three year post-primary course of full-time instruction suitable for pupils between the age of twelve years and fifteen years ;

“Local Education Authority” means the Local Government Education Authority established under section 13 of this Act ;

“Minister” means the Minister charged with responsibility for education and Ministry shall be construed accordingly ;

“Parent” in relation to any child means the person who has the lawful custody of the child and includes a guardian or a person having the care and custody of a child ;

“Primary school age” in relationship to any person means any age between the age attained by the commencement of the school year after he attains the age of six years and the age attained by the person at the end of the school year after he attains the age of twelve years and accordingly any person shall be deemed to be of primary school age if at the commencement of any school year he has attained the age of six years and a person shall be deemed to be over primary school age if at the end of the school year he has attained the age of twelve years ;-

“Primary School” means a school, which provides a six year basic course of full time instruction suitable for pupils between the age of six years and twelve years ;

“Public School”, “Public Primary School” or “Junior Secondary School” means a school, primary or junior secondary school, as the case may be, which is assisted out of funds provided by the Federal or State Government or a local education

authority or a local government or is maintained by a local education authority or a local government ;

“Pupil” where used without qualification, means a person of any age for whom education is provided under this Act ;

“School” means a primary or junior secondary school but does not include a class for religious instruction, a trade Centre, a training college or any other institution intended solely for the education of adults ;

“Services” that should be provided free of charge are books, instructional materials, classrooms, furniture and free lunch ;

“State” includes the Federal Capital Territory, Abuja ;

“Universal Basic Education” means early childhood care and education, the nine years of formal schooling, adult literacy and non-formal education, skills acquisition programmes and the education of special groups such as nomads and migrants, girl-child and women, almajiri, street children and disabled groups.

**16.** This Act may be cited as the **Compulsory, Free Universal Basic Education Act, 2004.** Citation.

## SCHEDULE

Section 7(3)

*Supplementary Provisions Relating to the Commission, etc.*Proceedings of  
the  
Commission.

1.—(1) Subject to this Act and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Commission shall be  $\frac{1}{3}$  of the members including the Chairman or the person presiding at the meeting.

2.—(1) The Commission shall meet whenever it is summoned by the Chairman or if the Chairman is required to do so by notice given to him by  $\frac{1}{3}$  of the members, he shall summon a meeting of the Commission to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at that meeting.

(3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt such a person for such period as it deems fit, but a person who is so co-opted by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committees.

3.—(1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such functions as the Commission may determine.

(2) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office on the Committee in accordance with the terms of his appointment.

(3) A decision of a Committee of the Commission shall be of no effect until it is ratified by the Board of the Commission.

Miscellaneous.

4.—(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Commission generally or specifically authorized by the Board of the Commission to act for that purpose.

(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 Commission by the Chairman or any person generally or specifically authorized by the Board of the Commission to act for that purpose.

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

(4) The validity of any proceeding of the Board of the Commission or of a Committee shall not be adversely affected by —

(a) a vacancy in the membership of the Board of the Commission or Committee ;



(b) a defect in the appointment of a member of the Board of the Commission or Committee ; or

(c) reason that a person not entitled to do so took part in the proceedings of the Board of the Commission or Committee.

EXPLANATORY MEMORANDUM

This Act provides for compulsory, free universal basic education for all children of primary and junior secondary school age in the Federal Republic of Nigeria.

It further seeks to provide punishment for parents for failing to comply with its provisions.

**SCHEDULE TO COMPULSORY, FREE UNIVERSAL BASIC EDUCATION BILL, 2004**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
Compulsory, Free Universal Basic Education Bill, 2004.	An Act to provide for Compulsory, Free Universal Basic Education ; and for connected purposes.	This Bill seeks to provide for compulsory, free universal basic education for all children of primary and junior secondary school age in the Federal Republic of Nigeria.	18th March, 2004.	9th December, 2003.

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
12th Day of May, 2004.

I ASSENT.



CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
26th Day of May, 2004.

**NATIONAL GALLERY OF ART (AMENDMENT) ACT, 2004.**



ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of 1993 No. 86.
2. Substitution of the words "Director of the Gallery"
3. Short title.

**NATIONAL GALLERY OF ART (AMENDMENT) ACT, 2004****2004 ACT No.**

[ 26th May, 2004 ]

Commence-  
ment.

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

- |  |  |
|--|--|
| <p>1. The National Gallery of Art Act, 1993 (in this Act referred to as “the Principal Act”) is amended as set out in this Act.</p> <p>2. Substitute the words “Director of the Gallery”, for the words “Director-General of the Gallery” wherever the words appear in the Principal Act.</p> <p>3. This Act may be cited as the National Gallery of Art (Amendment) Act 2004.</p> | <p>Amendment of 1993 No. 86.</p> <p>Substitution of the words “Director of the Gallery”.</p> <p>Short title.</p> |
|--|--|

## EXPLANATORY MEMORANDUM

This Act amends the National Gallery of Art Act 1993.

**SCHEDULE TO NATIONAL GALLERY OF ART (AMENDMENT) BILL, 2004**

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by Senate</i>	(5) <i>Date Passed by House of Representatives</i>
National Gallery of Art (Amendment) Bill, 2004.	An Act to amend the National Gallery of Art Act, 1993.	This Bill seeks to amend the National Gallery of Art Act, 1993.	15th April, 2004.	17th December, 2003.

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. 4, Laws of the Federation of Nigeria 1990.

IBRAHIM SALIM, CON  
*Clerk to the National Assembly*  
12th Day of May, 2004.

CHIEF OLUSEGUN OBASANJO, GCFR  
*President of the Federal Republic of Nigeria*  
26th Day of May, 2004.

I ASSENT.



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