

of the NCP are as follows:

- a) Determine the political, economic and social objectives of privatisation and commercialisation of public enterprises;
- b) Approve policies on privatisation and commercialisation;
- c) Approve guidelines and criteria for valuation of public enterprises for privatisation and choice of strategic investors;
- d) Approve public enterprises to be privatised or commercialised;
- e) Approve the legal and regulatory framework for the public enterprises to be privatised;
- f) Determine whether the shares of a listed public enterprise should be by public or private issue or otherwise and advise the Government of the Federation, accordingly;
- g) Determine the time and when a public enterprise is to be privatised;
- h) Approve the prices for shares or assets of the public enterprise to be offered for sale;
- i) Review, from time to time, the socio-economic effect of the programme of privatisation and commercialisation and decide on appropriate remedies;
- j) Approve the appointment of privatisation advisers and consultants and their remuneration;
- k) Appoint as and when necessary committees comprising persons from private and public sectors with requisite technical competence to advise on the privatisation or commercialisation of specific public enterprises;
- l) Approve the budget of the Council;
- m) Approve the budget of the Bureau;
- n) Supervise the activities of the Bureau and issue directions on the implementation of the privatisation and commercialisation programme;
- o) Received and consider, for approval, the audited accounts of the Bureau;
- p) Submit to the President, Commander-in-Chief of the Armed Forces in each year a report on the activities of the Council and the Bureau;
- q) Receive regular and periodic reports from the Bureau on programme implementation and give appropriate directions; and

Membership

1. The Act also established the membership of the NCP as follows:
2. The Vice President, Federal Republic of Nigeria, as Chairman;
3. The Minister of Finance, as Vice Chairman;
4. The Attorney-General of the Federation and Minister of Justice;
5. The Minister of Industries;
6. The Minister of National Planning;

- Government of the Federation;
Central Bank of Nigeria;
the President on Economic Affairs;
to be appointed by the Head of State,
Commander-in-Chief of the Armed Forces; and
11. The Director-General of the Bureau of Public Enterprises.

CO-OPTED MEMBERS

Further to section 9(3) of the PE Act, the following members were co-opted as members of the Council

1. The Minister of Culture, Information, Tourism and National Orientation;
2. The Minister of Petroleum resources
3. The Minister of Transportation
4. The Minister of Mines and Steel Development

STANDING AND SUB-COMMITTEES OF THE NCP

The Council undertakes its functions through the under listed Committees

1. Technical Committee of the NCP
2. Legal Committee of the NCP
3. Finance Committee of the NCP
4. Stakeholders Engagement Committee of the NCP

Terms of Reference for the Technical Committee of the NCP

- a) To review preliminary information on public enterprises and advise the NCP on their state of readiness for privatisation or commercialization;
 - b) To advise the council on actions required to bring enterprises to the point of sale. This may include re-capitalisation, liquidation and sale of assets;
 - c) To advise the NCP on performance agreements for enterprises to be commercialized and negotiate performance targets with enterprises earmarked for commercialization;
 - d) To advise NCP on the long list of firms to be pre-qualified for appointments as consultants;
 - e) To advise the NCP on proposed contract terms to ensure value for money and international best practice;
 - f) Comment and Advise NCP on criteria for qualification of core investors;
 - g) Review and comment on the transaction advisors report on the proposed shortlisted core investors and supervise public opening of core investors' bids;
 - h) Comment on the report of the NCP appointed sub-committee to negotiate terms of sale with each qualified core investor, and recommend selection of core investor to Council;
 - i) Comment on pricing memoranda and asset valuation reports prepared by consultants to Advise NCP on the appropriate price at which shares should be sold to core investors and Nigerians;
-

- review the institutional framework of institutions and advise NCP on handling of stranded assets, and priority to implement privatisation;
- and advise NCP on handling of stranded assets, and distribution of equity to stakeholders;
- k) Digest and advise the NCP on the existing corporate governance practice vis-a-vis the Companies and Allied Matters Act 2004 as well as international best practice;
- l) Perform such other functions as may be directed by the NCP.
- m) Submit monthly reports to the NCP;

Membership

S/N	NAMES	POSITION
1.	A Senior Advocate of Nigeria (SAN)	Chairman
2.	A Senior Advocate of Nigeria (SAN)	Member
3.	Director General, BPE	Member
4.	Senior lawyers	Member
5.	Legal Adviser to the Vice President	Member
6.	Legal Services and Council Secretariat, BPE	Secretary

Terms of Reference for the Finance Committee of the NCP

- a) To review the financial management systems of the Bureau to ensure their adequacy for the purpose of achieving sound financial practices throughout the duration of the programme;
- b) To review, monitor and recommend for approval to NCP budgets of the Council and the Bureau of Public Enterprises (BPE) on an annual basis;
- c) To review the audited accounts of the Bureau;
- d) To recommend to NCP modalities and criteria for investing surplus funds of the Bureau;
- e) To recommend to the NPC for approval the disposal of any assets of the Bureau;
- f) To review and recommend to NCP any bi- lateral or multilateral grants or credits to the privatisation programme;
- g) To analyse the Fiscal impact on the National Budget the divesture process and the utilisation of the divesture proceeds;
- h) To submit a report on its activities to Council on monthly basis; and
- i) To perform such other functions as may be directed by Council.

		Position
1	Honourable Minister of Finance	Chairman
2	Governor, Central Bank of Nigeria	Member
3	Accountant General of the Federation	Member
4	Auditor General of the Federation	Member
5	Director General Budget Office of the Federation	Member
6	Director General Bureau of Public Enterprises	Member
7	Director General Debt Management Office (DMO)	Member
8	Representative of ICAN	Member
9	Representative of ANAN	Member
10	Rep. of the office of the Vice President	Member
11	Director (Finance & Accounts) BPE	Secretary

STAKEHOLDERS AND ENGAGEMENT COMMITTEE

- a) To identify and maintain contacts with various stakeholders and opinion leaders in consultation with BPE and advise NCP on their interest and concerns about the programme;
 - b) To liaise with the Bureau and NCP Committees to obtain up to date information on the programme and devise means of disseminating such information to stakeholders, opinion leaders and the general public;
 - c) To review and advise NCP on the strategies for implementing the programme and any surveys and studies on the effectiveness of current publicity and mobilization efforts;
 - d) To report to NCP findings and results of such studies, surveys and observations on the programme and make recommendations;
 - e) To collaborate with BPE in the appointment of Consultants and advisers, devise new strategies to increase awareness and support for the programme in areas identified;
 - f) To set targets for increasing public perception and molding public opinion to ensure wider support and participation in the programme;
 - g) To collaborate with the Bureau and other consultants and propose to NCP strategies to manage information in any crisis situation(s);
 - h) To liaise with the BPE and the Technical Committee to review the design and timing of each transaction for consideration of the NCP;
 - i) To review and discuss the situation analysis of each enterprise prepared by the Communications and Marketing consultants;
 - j) To identify and suggest ways Council could address the key issues identified and otherwise reach the key influencers of the transaction; and
 - k) In conjunction with the consultants, assist in marketing the transaction through activities complementary to the overall privatization marketing plan;
-

At the end of the transaction to apprise Council on and any special issues that would enhance other enterprises; and actions as may be directed by Council.

S/N	Name	Position
1	Honourable Minister Of Information and Culture	Chairman
2.	National Human Rights Commission	Member
3.	Director-General, Nigerian Television Authority (NTA)	Member
4.	Nigeria Labour Congress	Member
5.	National Council of Women Society	Member
6.	Coalition of Civil Society Organisation	Member
7.	Director-General, National Orientation Agency	Member
8.	Director-General, Bureau of Public Enterprises (BPE)	Member
9.	Ministry of Industry, Trade and Investment	Member
10.	President, Nigerian Association of Chambers of Commerce, Industry and Mines and Agriculture (NACCIMA)	Member
11.	President, National Union of Journalists (NUJ)	Member
12	Rep. of the Office of the Vice President	Member
13.	Head, Public Communication (BPE)	Secretary

THE LEGAL SERVICES ANDS COUNCIL SECRETARIAT UNIT

The Legal Services and Council Secretariat (LS& CS) is a Unit in the Director General's Office. The (LS& CS) is responsible for the management of all legal matters involving the NCP and the Secretariat in the implementation of the privatization programme in Nigeria. It also provides legal support to all departments/units in BPE in addition to the management of all matters relating to the following key organs involved in the implementation of the privatisation programme:

1. National Council on Privatisation (NCP)
2. The Technical Committee of the NCP
3. Legal Committee of the NCP (LC)
4. The Management Committee of the BPE(MC)

The Unit equally coordinates the activities of the Standing, Steering and Ad-hoc Committees of the National Council on Privatisation (NCP).

The Unit is responsible for all regulatory issues pertaining all BPE transactions and establishment of competitive regime in the various sectors of the economy.

Unit include:

- provide legal opinion on issues relating to the activities of NCP/BPE.
- ✓ Supervise the drafting of all Agreements for transactions involving the Bureau.
 - ✓ Negotiate legal issues and finalise Agreements involving the Bureau.
 - ✓ Analyse cases involving Council ,the Secretariat and recommend legal counsel for consideration and appointments.
 - ✓ Manage litigation/arbitration matters and recommend counsel for appointment to defend the interest of the Bureau.
 - ✓ Provide support services to the departmental legal officers.
 - ✓ Provide secretarial services to the National Council on Privatisation(NCP)/Technical Committee (TC) of the NCP/Management Committee (MC)/Legal Committee (LC) of the NCP and prepare for the meetings.
 - ✓ Prepare letters, reports, presidential memos and other documents as may be assigned by the Director General.
 - ✓ Collate, update where necessary and circulate memos for Council's considerations to NCP members .
 - ✓ Record the minutes of NCP/TC/MC/LC meetings.
 - ✓ Keep in safe custody all legal documents and minutes of the NCP/TC/MC/LC.
 - ✓ Regulatory issues pertaining to all transaction departments and establishment of competitive regime in the various sectors of the economy.
 - ✓ Working closely with the consultants engaged by the departments on legal and regulatory framework for public enterprises.

MISSION STATEMENT

To diligently serve as the engine room of the Bureau,providing excellent legal advice for the implementation of the Bureau's reform agenda while maintaining the core values of the Bureau.

VISION

To provide the best legal advisory services and secretarial support to the BPE/NCP in a timely ,efficient and professional manner.

THE SUB-UNITS

As part of the measure to ensure effective delivery of its mandates the Unit has been re-organised into the following Sub-Units:

Functions of Litigation Sub-unit

- ✓ Develop strategies for effective management of Litigation in BPE.
- ✓ Analyse cases involving the Bureau and prepare legal opinion for the DG.
- ✓ Manage litigation/arbitration matters and recommend Counsel to the H(LS &CS) for appointment to defend the interest of the Bureau .
- ✓ Provide initial briefs on all suits against the NCP and BPE.
- ✓ Intra Judicial Liaison.
- ✓ Undertake research and write opinions on legal issues
- ✓ Keep regular update of all cases involving BPE.
- ✓ Ensure the safety of all documents relating to litigation/arbitration matters.
- ✓ Evaluation of the quantum of work done by external counsel and recommend payments.

Functions of Contracts & Transaction Handovers Sub-Unit

- ✓ Drafting contracts and other transaction documents.
- ✓ Reviewing of draft contracts from departmental legal advisers.
- ✓ Proffer legal advice and opinion on issues relating to Agreement ,documentation and transactions.
- ✓ Organise the documentation of legal documents.
- ✓ Ensure the safety of all agreements and other legal documents.
- ✓ Organise and preserve all agreements for quick retrieval.
- ✓ Carry out all and such other duties as may be assigned by the Head (LS&CS).
- ✓ Ensuring that all transaction documents are prepared and diligently adhered to during the process during the extire existence of the transaction.
- ✓ Supporting the relevant departments in meeting deadlines for the drafting of relevant legislation.
- ✓ Provide Secretariat Support to the Legal Committee of the NCP.

Functions of the Legal Review & Regulatory Matters Sub-Unit

- ✓ Conduct of research and provide legal opinion on issues relating to the activities of NCP/BPE.
 - ✓ To assist in regulatory issues pertaining each departmental transactions.
-



Your complimentary
use period has ended.
Thank you for using
PDF Complete.

[Click Here to upgrade to
Unlimited Pages and Expanded Features](#)

Consultants engaged by the departments on network for enterprises.

Departments on issues relating to the activities of the

- ✓ Review and prepare report on laws,bills pertaining to sectors or establishing public enterprises listed for privatisation.
- ✓ Research and legal opinion to ensure that the implementation of the privatisation programme complies with all relevant laws.
- ✓ Perform all and such other duties as may be assigned by the General Counsel.

Functions of the Council Secretariat Sub-Unit

- ✓ Provide administrative and secretariat support to the H(LS &CS) in the Bureau.
 - ✓ Assist the H(LS &CS) in the coordination of the activities of the NCP.
 - ✓ Assist the in preparing for the meetings of NCP - sending out notices of meetings, collating and distributing papers for the consideration of the NCP, liaising with members of NCP, writing minutes of meeting and conveying decisions.
 - ✓ Act as Secretary to the Management Committee/Directors Meetings including running of the BPE Secretariat, sending out notices of meetings, writing minutes of meetings, following up on decisions reached by the Committee and collation of submissions from departments.
 - ✓ Provide secretarial support to the TC including writing minutes of meetings, following up on decisions reached by the committee and collation of submissions from departments
 - ✓ Organise, document and preserve records of the NCP/TC /LC and MC.
 - ✓ Review activities of the NCP/TC/LC/MC Secretariat where necessary and recommend appropriate changes.
 - ✓ Conduct of research and provide legal opinion on issues relating to the activities of NCP/BPE.
-