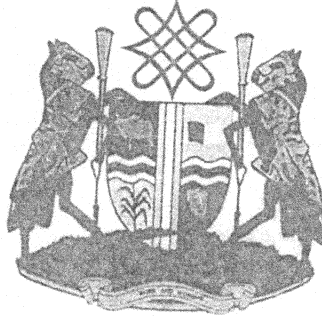


**A LAW TO SUBSTITUTE THE KADUNA STATE
AIDS CONTROL AGENCY (KADSACA) LAW NO. 6 OF 2007**



Kaduna State of Nigeria

Law No.⁹..... 2018

(20th February 2018)

Commencement

BE IT ENACTED by the House of Assembly of Kaduna State Assembly as follows: Enactment

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna State AIDS Control Agency Law, 2018. Short Title
2. This Law shall come into operation on the^{20th}..... day of^{February}..... 2018. Commencement
3. In this Law, unless the context otherwise requires:

 "Board" means the Governing Board established under Section 7 of this Law; Interpretation

 "Government" means the Government of Kaduna State;

 "Governor" means the Governor of Kaduna State;

"HIV and AIDS" means Human Immune Deficiency Virus and Acquired Immune Deficiency Syndrome;

"KADSACA" means the Kaduna State AIDS Control Agency; and

"Member" includes the Chairman.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE AGENCY

4. (1) There is hereby established an Agency to be known as the Kaduna State AIDS Control Agency (KADSACA). Establishment of the Agency
- (2) The Agency shall be a body corporate with perpetual succession having a common seal and may sue or be sued in its corporate name.
5. The functions of the Agency shall be to: Functions of the Agency
- (a) Design, coordinate, control and implement, in collaboration with the stakeholders, the State Action Plans for the prevention and control of the HIV and AIDS programme;
 - (b) Support the State Antiretroviral Therapy (ART) Programme;
 - (c) Design and prosecute an intense multi-sectorial approach to HIV and AIDS prevention and control;
 - (d) Provide technical support to the planning, implementation and management of HIV and AIDS response;
 - (e) Provide necessary support to other stakeholders in their efforts to prevent and control HIV and AIDS;
 - (f) Promote and coordinate operational research on intervention strategies;

- (g) Encourage multi-disciplinary collaborating and network among all stakeholders including the civil society organizations, Faith Based Groups, Traditional Institutions and Private Sectors against HIV and AIDS; and
- (h) Organize training of personnel involved in the control and prevention of HIV and AIDS in the State.

6. The Agency shall have power to:

Powers of the Agency

- (a) Demand and obtain relevant information, data and report on matters relating to the prevention and control of the Human Immune-deficiency Virus and Acquired Immune Deficiency Syndrome from all stakeholders;
- (b) Enter into partnership with the relevant establishments (Public/Private) within and outside Nigeria in pursuance of the functions of the Agency;
- (c) Carry out Resource Mobilization and other activities as are necessary or expedient for the performance of its functions under this Law;
- (d) Open and operate ordinary and domiciliary account for the Agency in recognized banking institutions in Nigeria;
- (e) Assess from time to time research on HIV and AIDS response to ascertain their suitability with ethical clearance;
- (f) Assess from time to time consultancy, training and advocacy programme on HIV and AIDS conducted by various institutions with a view to:
 - (i) Ascertaining their suitability and;
 - (ii) Offer them such assistance either alone or in co-operation with other related bodies as may improve the contents and quality of their work.

PART III
ESTABLISHMENT, COMPOSITION AND FUNCTIONS
OF THE GOVERNING BOARD

7. There is hereby established for the Agency a Governing Board which shall consists of: Establishment and
Composition of the Board
- (a) The Commissioner for Health and Human Services matters as Chairman;
 - (b) One representative each of the Ministries for:
 - (i) Youths;
 - (ii) Women Affairs and Social Development; and
 - (iii) Rural and Community Development;
 - (c) One representative of the Local Government Council Chairmen from each of the three Senatorial Districts of the State;
 - (d) Representative of the Barau Dikko Teaching Hospital;
 - (e) One representative of the International Development Partners;
 - (f) One representative from each of the following bodies:
 - (i) Network of People living with HIV and AIDS in Nigeria (NEPWHAN);
 - (ii) Civil Society Network on HIV and AIDS (CISHAN);
 - (iii) Youth Network on HIV and AIDS, Population; and Development in Nigeria (NYNETHA)
 - (iv) Nigeria Medical Association (NMA);

- (g) The Executive Secretary shall serve as Member/Secretary to the Board.

8. The Board shall:

Functions of the Board

- (a) Determine the overall policies of the Agency, including its financial and operational procedures and ensure the effective implementation of the policies.
- (b) Establish Committees as may be expedient, which shall be charged with specific functions or as may be delegated by the Board.
- (c) Ratify appointments, promotions and discipline of the employees of the Agency.
- (d) Subject to such conditions as it may impose, delegate any of its functions under this Law to any of its committees, provided that nothing in this section shall prevent the Board from performing or exercising any of the functions and powers so delegated.
- (e) Carry out such other activities, which are connected with its other functions, or as may be assigned to it by the Governor.

9. The Governor shall appoint the members of the Board.

Appointment of Members

- (a) A member shall hold office for a period of 4 years on such terms and conditions as may be specified in his or her letter of appointment; and
- (b) May be re-appointed for one further and final term of 4 years.

10. Notwithstanding the provisions of this Law, any member of the Board may at any time be removed from office by the Governor for inability to discharge the functions of his/her office arising from infirmity of mind or body or any other cause.

Removal of Member

11. A member of the Board shall cease to hold office as a member of the Board if: Cessation of Membership
- (a) he resigns his appointment as a member of the Board by notice, under his hand addressed to the Governor;
 - (b) he becomes of unsound mind;
 - (c) he becomes bankrupt or makes a Compromise with his Creditors;
 - (d) he is Convicted of a felony or any offence involving dishonesty or Corruption;
 - (e) in the case of a person possessing a professional qualification, he is disqualified by a Competent Authority; or
 - (f) in the case of a person who becomes a member by virtue of the office he occupies, he ceases to hold such Office.
12. A member of the Board shall be paid such emolument, allowances and benefits as the Governor may from time to time approve. Remuneration
13. (1) Every meeting of the Board shall be presided over by the Chairman and in his absence, the Members present shall elect one amongst them to preside at the meeting. Meetings
- (2) The Board shall meet at least once in every quarter.
14. The quorum at the meeting of the Board shall be a simple majority of the members of the Board. Quorum
15. Where the Board desires to obtain advice or any special information from any person on any matter, the Board may co-opt such person as a member for a limited period, and such person shall have the rights and privileges of a member but shall not be entitled to vote on any issue or count towards a quorum.

16. The validity of the proceedings of the Board shall not be affected by:
- Validity of proceedings
- (a) any vacancy in the membership of the Board;
 - (b) any defect in the appointment of a member; or
 - (c) reason that a person not entitled to do so, took part in the proceedings.

PART IV MANAGEMENT AND STAFF OF THE AGENCY

17. The Agency shall have such number of Departments as may be considered necessary for the due discharge of its functions.
- Departments
18. (1) There shall be appointed for the Agency by the Governor, an Executive Secretary, who shall be:
- Executive Secretary
- (a) The Chief Executive and Accounting Officer of the Agency.
 - (b) Responsible for the day to day management of the Agency, keeping of the books and records of the Board.
- (2) The Executive Secretary shall hold office for a period of 4 years and may be reappointed for a further period of 4 years.
19. (1) The Board may from time to time appoint for the Agency such other staff as it may deem necessary.
- Appointment of other staff of the Agency
- (2) The terms and conditions of the service (including remuneration, allowances, benefits and pension) of officers and employees of the Agency shall be determined by the Board on the recommendation of the State Civil Service Commission.
 - (3) The Staff of the Agency shall be civil servants and their appointments shall be governed by the terms and

conditions generally applicable to the public service of the State.

20. Service in the Agency shall be approved service for the purpose of the payment of pensions, and accordingly, Officers and other persons employed in the Agency, shall be entitled to pension and other retirement benefits as stipulated under the Pension Law, 2016. Service in the Agency
21. Notwithstanding the provision of section 19 of this Law, the Agency may appoint a person to any office on the terms, which preclude the grant of pension or retirement benefit. Exclusion of payment of pension

PART V FINANCIAL PROVISIONS

22. (1) The Agency shall establish and maintain a fund into which all monies accruing to it shall be credited and from which shall be defrayed all expenditure incurred by it. Fund
- (2) The fund shall consists of subventions made to it by the State Government and all other sums that may accrue to the Agency by way of grants, gifts, donations;
- (3) Such sums as may be appropriated by it by the State House of Assembly; and
- (4) All other sums which may in any manner becomes payable to the Agency in respect of any matter incidental to its powers or functions under this Law.
23. The Agency shall apply the funds at its disposal to: Application of funds
- (a) The cost of Administration of the Agency;
- (b) The payment of salaries, fees, remunerations, allowances pensions payable to staff of the Agency;
- (c) Publicize and promote the activities of the Agency;
- (d) Train the staff of the Agency;
- (e) Conduct research activities relating to HIV &AIDS; and

(f) Finance all its activities in line with its functions under this Law.

24. (1) The Agency may accept gifts or land, money or other property on such terms and conditions, if any, as maybe specified by the person or organization making the gifts/donations or;

Acceptance of gifts

(2) The Agency shall not accept any gifts if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency under this Law.

25. The Board shall cause to be prepared and submit to the Commissioner, not later than 30th June of each year, an estimate of its expenditure and income for the succeeding year.

Annual Estimate

26. The Board shall cause to be kept proper accounts of the Agency in respect of each year and proper records in relation thereto, and shall cause the accounts to be audited not later than 6 months after the end of each year by Auditors appointed in accordance with the guidelines approved by the Auditor-General of the State.

Audit and account of the Agency

27. The Agency may, subject to the provisions of this Law and the condition of any trust created in respect of any property, invest all or any part of its securities as may from time to time be approved by the Board.

Investment

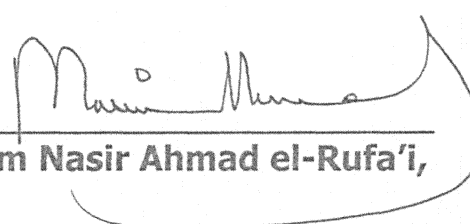
PART VI MISCELLANEOUS

28. The Governor may give to the Board such directions of a general or special nature in relation to the performance by the Agency of any or all its functions under this Law, and it shall be the duty of the Board to comply with such directives.

Directions by the Governor

29. The Board may with the approval of the Governor make such regulations as may be necessary or expedient for carrying into effect the provisions of this Law. Regulations
30. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and the Executive Secretary or any other officer of the Agency authorized in that behalf by the Board. Seal
31. Any document purporting to be contract of instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed or sealed. Evidence
32. No suit shall be commenced against the Agency before the expiration of a period of thirty (30) days after written notice of the intention to commence the suit shall have been served on the Executive Secretary by the intending claimant or his agent and the notice shall clearly and explicitly state: Suit
- (a) The cause of action;
- (b) The particulars of claim; and
- (c) the relief(s) claimed.
33. No member or staff of the Agency shall be sued in his personal capacity for any act or omission in the lawful performance their duty under this Law. Legal Proceedings
Immunity
34. The Kaduna State Aids Control Agency Law No. 6 of 2007 is hereby repealed. Repeal

DATED AT KADUNA this^{20th}..... day of*February*..... 2018.


Malam Nasir Ahmad el-Rufa'i,

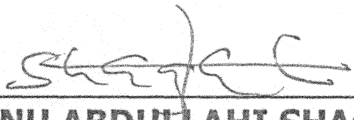
Governor, Kaduna State.

EXPLANATORY NOTE

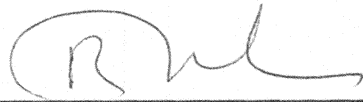
(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to establish the Kaduna State AIDS Agency (KADSACA) with the State Council on AIDS to give political direction and ensure full implementation of the functions of the Agency.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)