

archaeological nature, inscriptions, cave dwellings and combinations of features which are of outstanding universal value from the point of view of history;

"State" means Kaduna State of Nigeria.

4. The functions of the Agency shall be as follows:

Functions of the Agency

- (1) Creating awareness regarding the need to protect and preserve heritage and cultural sites.
- (2) Administer antiquities and monuments.
- (3) To maintain antiquities and monuments and other outlets for or in connection with the following:
 - (a) antiquities;
 - (b) arts and crafts;
 - (c) natural history;
- (4) To make recommendations to the Government or other person or authority concerning the establishment, management and preservation of antiquities and monuments, not being national museums or antiquities declared to be national antiquities and monuments.
- (5) To approve any museum which is privately established and maintained for the purpose of this Law and at any time withdraw such approval.

5. The monuments and antiquities in the Schedule to this Law are declared to be monuments and antiquities for the purpose of this Law.

6. There is established an Agency to be responsible for the protection and conservation of Culture and Heritage in Kaduna State.

Establishment of the Agency

7. (1) The Agency shall have a Governing Board which shall be its policy making body.

Governing Board

(2) The Board shall comprise of the following members:

Composition of the Governing Board

(a) Chairman;

(b) one person from each of the three Senatorial Districts who by reason of the ability, experience or specialised knowledge in:

- (i) culture;
- (ii) natural history;
- (iii) arts and crafts;
- (iv) architecture

are capable of making useful contributions to the work of the Agency.

(c) the Director General of the Agency;

(d) one representative from each of the following:

- (i) Ministry responsible for Culture
- (ii) Ministry responsible for Tourism;
- (iii) Ministry of Justice;
- (iv) Ministry of Education, Science and Technology;

(e) Two other persons one of whom must be a woman.

(3) The Chairman and members of the Agency are to be appointed by the Governor on part-time basis.

8. The functions of the Board shall be to:

Functions of the Board

- (a) provide overall policy guidance in the management of the Agency;
- (b) approve annual work plans/proposed budget of the Agency;
- (c) to act in an advisory and consultative capacity in the State on matters pertaining to history;
- (d) to affiliate with other institutions of a generally similar character; and

(e) to undertake all activities which appear to the Agency to be necessary, advantageous or expedient for the performance of its function.

9. The Chairman and members of the Board shall hold office for a term of four years and may be reappointed for another term of four years. Tenure
10. The members of the Board shall be paid such remuneration and allowances as may be determined and approved by the Governor. Remuneration
11. (1) Notwithstanding the provisions of this Law, a member shall vacate office if: Vacation of Office
- (a) he gives one month notice in writing to the Governor of his intention to resign;
 - (b) he is convicted of any crime involving dishonesty or fraud;
 - (c) he attains the age of 70 years;
 - (d) he attended fewer than 75% of the Board's meetings in a year;
 - (e) he is barred from practicing his profession by any professional body to which he belongs;
 - (f) he becomes bankrupt;
 - (g) he becomes of unsound mind or incapable of carrying out his duties;
 - (h) he is guilty of serious misconduct with relation to his duties as a member of the Board;
 - (i) he is removed by the Governor in the public interest; or
 - (j) in the case of a person who becomes a member by virtue of the office he holds, ceases to hold that office.
- (2) Where a member of the Board ceases to hold office for any reason whatsoever, before expiration of the term for which he is appointed, another person representing the same

interest as that member shall be appointed to the Board for the rest of the term.

12. (1) The Board shall meet for the conduct of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit. Proceedings of the Board
- (2) The Chairman shall preside in all meetings of the Board and in his absence, the members present at the meeting shall nominate one of the members of the Board present to preside.
- (3) All decisions of the Board shall be on the basis of simple majority of the members present and voting.
- (4) No act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board, except where actions are not supported by a quorum.
- (5) The quorum for the meeting of the Board shall be five (5) and each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote. Quorum
- (6) For a meeting of the Board to review any previous decision or order taken by the Board, the quorum shall not be less than three (3) members of the Board present when the decision was taken or the Order was made.
- (7) The board may make standing order relating to the proceedings of the Board or any of its committees.
- (8) The Board shall meet at least once in every quarter of the year or as may be expedient for transactions of business and such meetings shall be held at such places and times as the Board may determine.
- (9) The Chairman may at anytime call special meetings of the Board and also shall do so on being requested in writing by at least four members of the Board.
13. (1) Where a member of the Board, the Managing Director, a member of Staff of the Agency or any person engaged by Disclosure

the Agency has pecuniary interest or other beneficial interest in, or material to, any matter which is to be considered by the Board, the person shall:

- (a) disclose to the Board the nature of interest in advance before the consideration of the matter;
 - (b) neither influence nor seek to influence a decision relating to the matter;
 - (c) not take part in the consideration of the matter; and
 - (d) withdraw from the meeting as long as the matter is being discussed or considered and neither vote nor otherwise act in consideration of the matter.
- (2) Any interest that accrued to the member for non-disclosure shall abet.
 - (3) Any member who contravenes subsections (1) and (2) of this section commits an offence and is liable to fine of ₦100,000.00 or two years imprisonment or both.
 - (4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.
14. Where the Agency desires to obtain the advice/services of any person on any matter, the Agency may co-opt such person to be a member for such meeting or meetings as may be required, and any such person while so co-opted shall have all the rights and privileges of a member of the Agency save that he shall not be entitled to vote on any question or count towards a quorum. Power to Co-opt
15. (1) There shall be a Managing Director for the Agency who shall be appointed by the Governor. Managing Director
- (2) The Managing Director shall be a person with cognate experience in rural development and public administration, and possesses the relevant and adequate professional qualifications.
 - (3) The Managing Director shall be:

- (a) the Chief Executive and Accounting Officer of the Agency;
- (b) responsible for executing the policy and day-to-day administration of the affairs of the Agency.

(4) The Managing Director shall hold office:

- (a) for a term of four (4) years in the first instance and may be reappointed for another term only; and
- (b) on such terms and conditions as may be specified in his letter of appointment as approved by the Governor.

(5) The Managing Director may resign his appointment by notice in writing, addressed to the Governor and his appointment shall cease on the date of acceptance of his resignation by the Governor.

16. (1) There shall be a Secretary for the Agency, who shall be responsible to the Managing Director for the discharge of his functions. Secretary of the Agency

(2) The Secretary shall be responsible for:

- (a) arranging meetings of the Board and its constituted committees;
- (b) preparation of the agenda and the minutes of such meetings;
- (c) conveying decisions of the Board to all relevant parties;
- (d) keeping records and books of the proceedings of the Agency;
- (e) responsible for the day-to-day administration of the Agency; and
- (f) generally performing all other duties affecting the Agency as may be assigned to him by the Managing Director.

- (e) interest on loans raised by and on behalf of the Agency; and
- (f) such other expenditure as the Agency may approve for payment out of the funds of the Agency in respect of any financial year.

24. (1) The Agency shall keep and maintain proper books of accounts and record of all its transactions and activities during each financial year. Annual Reports
- (2) The Agency shall within two months after the end of each financial year cause the account of the Agency relating to the previous year to be audited by the Auditor-General of the State or by any other person authorized in that behalf by him.
- (3) The Agency shall within three months after the end of each financial year submit to the Commissioner for Rural and Community Development an annual report of its activities for that year and shall include in the report a copy of the audited accounts and the comments of the auditor thereon.

25. The Agency shall not later than 30th September in each year, submit to the Commissioner for Budget and Planning an estimate of its expenditure and income (including payment to the Agency) for the next succeeding year. Budget Estimates

26. (1) The Agency may from time to time, with the approval of the Governor borrow from any person, government or multilateral financial institution, or by overdraft from banks, or in any other manner, money for and in connection with the exercise of its functions under this Law as the Agency may deem necessary. Power to Borrow
- (2) An approval given for the purposes of this section may be either general or limited to a particular borrowing and any specified conditions.

PART V MISCELLANEOUS

27. (1) No suit shall be instituted in any court against the Agency, a member of the Agency, any staff or other employee of Limitation of Action Against Agency, Pre-Action Notice Etc.

authority, unless:

- (a) it is commenced within six months immediately following the act, neglect or default complained; or
 - (b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.
- (2) No suit shall be commenced against the Agency or any staff, other employee of the Agency before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent; and the notice shall clearly and explicitly state the:
- (a) cause of action;
 - (b) particulars of claim;
 - (c) name and place of the abode of the intending plaintiff; and
 - (d) relief which he claims.

28. The notice referred to in subsection (2) of Section 27 of this Law, and any summons, notice or other document required or authorized to be served upon the Agency under the provisions of this Law may be served by delivering the same to the office of the Director General at the Principal office of the Agency. Service of Documents

29. Employees of the Agency shall be entitled to pension as may be prescribed by the Pension Law applicable in the state Pension Rights

1. Lugard Hall Complex
2. Lord Lugard Bridge
3. Emir of Zazzau's Palace
4. Bakwa Turunku Tomb
5. Nok Terracotta

DATED AT KADUNA this day of 2017.

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).