

**A LAW TO ESTABLISH THE KADUNA STATE  
PLANNING AND BUDGET COMMISSION, 2017**



Kaduna State of Nigeria

Law No. ....<sup>2</sup>..... 2017

( 17<sup>th</sup> May 2017 )

Date of Commencement

**PART I  
PRELIMINARY**

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

1. This Law is cited as the Kaduna State Planning and Budget Commission, Law, 2017. Short Title

2. This Law comes into operation on the .....<sup>17<sup>th</sup></sup>..... day of .....<sup>May</sup>..... 2017. Commencement

3. In this Law, unless the context otherwise requires: Interpretation

"Board" means the Economic Planning Board established under Section 24 of this Law;

"Chairman" means the Chairman of the Commission and of the Board;

"Commission" means the Kaduna State Planning and Budget Commission;

"Commissioner" means the Commissioner responsible for Planning and Budget;

"Governor" means the Governor of Kaduna State;

"Local Government Planning Committee" means the Committee established under Section 32 of this Law;

"Secretary" means the Secretary of the Commission and of the Board;

"State" means Kaduna State of Nigeria.

## **PART II ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COMMISSION**

4. There is established in the State a Commission to be known as the Kaduna State Planning and Budget Commission which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establishment of  
the Commission

5. The functions of the Commission shall be to:

Functions of the  
Commission

- (i) perform all functions relating to planning and budgets;
- (ii) advice and support Government in the formulation of economic policies;
- (iii) develop, co-ordinate, monitor and evaluate all development plans and strategies for the State;
- (iv) prepare and review annual and multi-year budgets for the State;
- (v) monitor and evaluate State Development Plans and the performance of Ministries, Departments and Agencies;

- (vi) ensure the collection, preservation and analysis of all statistical data in line with the Kaduna State Bureau of Statistical System Law;
- (vii) attract, co-ordinate and monitor domestic and international donor support to the State;
- (viii) provide guidelines, advice and give support to Ministries, Departments and Agencies in relation to planning, budget, monitoring, review, and policy implementation;
- (ix) provide State guidance and oversight on Local Government planning, budgeting and economic development;
- (x) ensure Local Government development plans are fully integrated at the State Level;
- (xi) provide a focal point for the coordination and formulation of State economic planning and budgeting policies and programmes;
- (xii) draw up from time to time, State economic priorities and programmes and map out implementation strategies;
- (xiii) enhance the efficiency of public sector spending and general economic management;
- (xiv) ensure that expenditure requests are in line with approved budgetary provisions; and
- (xv) undertake evaluation of the performance of key sectors across the State and make recommendations on areas for improvement

6. In the discharge of its duties under this Law, the Commission shall have power to:

Powers of the Commission

- (a) demand for, and obtain from any government agency or other private body, statistical or other information relevant to the functions of the Commission under this Law;

- (b) advise the Governor as to the appropriate measures to be undertaken by appropriate agencies or bodies in order to ensure their conformity with State policies or programmes;
- (c) bring to the attention of the State Executive Council cases of non-compliance or violations of State Policies and programmes by Ministries, Departments and Agencies;
- (d) prescribe action along a given course for any government agency for the attainment of identified State objectives;
- (e) advice Ministries, Departments and Agencies to withhold funds in relation to projects that have not been approved by the Commission;
- (f) issue guidelines and circulars regarding planning and budget preparation, implementation and control;
- (g) appoint, promote and discipline all officers of the Commission including the determination of the conditions of service of its staff and employees;
- (h) provide advisory services on matters referred to it by any Ministry, Department, Agency or Local Government Council in the State; and
- (i) ensure compliance, implementation and the review of the Kaduna State Development Plan 2016 – 2020 and thereafter.

### **PART III COMPOSITION OF THE COMMISSION**

7. The Commission shall consist of:

- (a) the Governor as Chairman;
- (b) Deputy Governor as Deputy Chairman;
- (c) the Commissioner of Planning and Budget;
- (d) the Commissioner of Finance;

Composition of the  
Commission

- (e) the Attorney-General and Commissioner for Justice;
- (f) the Commissioner for Local Government;
- (g) the Commissioner of Education;
- (h) the Commissioner of Health;
- (i) the Commissioner of Works, Housing and Transport;
- (j) the Commissioner for Rural and Community Development;
- (k) the Chairman of the Kaduna State Internal Revenue Service;
- (l) Executive Secretary, Kaduna Investment Promotion Agency (KADIPA); and
- (m) the Secretary to the Commission shall serve as Secretary/Member.

8. Whenever in the opinion of Commission it is expedient or desirable to obtain the services or advice of any person on any matter under consideration by the Commission, the Commission may co-opt such person at such meeting as may be required. Power to Co-opt
9. The quorum for Meetings of the Commission shall be a simple majority of the Commission. Quorum
10. (1) The Commission shall meet regularly as may be considered expedient for the effective discharge of its functions. Meetings
- (2) The Chairman shall preside over the Meetings of the Commission and in his absence the Deputy.
11. The Commission shall be headed by a Commissioner who shall be the Chief Executive of the Commission. The Commissioner shall be the Chief Executive of the Commission

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| 12. | There shall be a Secretary for the Commission who shall be of equivalent rank to a Permanent Secretary to be appointed from the Commission. | Secretary to the Commission |
| 13. | The Permanent Secretary shall, in addition to his duties be responsible for:  | Functions of the Secretary  |
|     | (a) making arrangements for meetings of the Commission;   |                             |
|     | (b) preparing agenda for meetings after consultation with the Chairman;   |                             |
|     | (c) taking minutes of meetings;   |                             |
|     | (d) preparation and submission of regular reports of the Commission to the Governor through the Chairman; and                               |                             |
|     | (e) perform any other duties as may be assigned to him.   |                             |

**PART IV  
STRUCTURE OF THE COMMISSION**

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| 14. | The Commission shall establish Departments/Units as may be considered necessary for the effective performance of its functions.  | Departments/Units       |
| 15. | The Commission may employ or accept staff/officers on transfer or secondment from the Public Service of the State, Local Governments or Federal Civil Service in accordance with the procedure applicable for the transfer of such officers. | Staff of the Commission |
| 16. | Service in the Commission shall be pensionable as obtainable in the Public Service of the State.   | Pensionable Service     |

**PART V  
FINANCIAL PROVISIONS**

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| 17. | (1) The Commission shall maintain an account from which shall be defrayed all expenditures incurred by it. | Funds of the Commission |
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- (2) There shall be paid and credited into the account of the Commission:
- (a) such sums as may be appropriated to it in the budget by the State House of Assembly;
  - (b) all such monies paid to the Commission by way of grants, donations, gifts, fees, subscriptions, interest and royalties; and
  - (c) all other sums which may become payable to the Commission in respect of any matter incidental to the discharge of its functions.
18. The Commission shall prepare and submit to the Governor an estimate of the income and expenditure of the Commission for the next succeeding year. Annual Estimate
19. (1) The Commission shall cause to be kept proper books of accounts and any other financial records in respect of its functions. Accounts
- (2) The Commission shall prepare in respect of each financial year statements of account in such forms as the Governor may approve.
20. The Commission shall cause the statement of accounts to be audited not later than six months after the end of each financial year by an Auditor appointed from the list of Auditors approved by the Auditor-General of the State. Audit of Accounts
21. The Commission may consult with the private sector, labour unions, universities, research institutions, non-governmental organizations and such other bodies as may be considered expedient in promoting plan formulation, acceptability and implementation. Relationship With Other Bodies
22. The Commission shall be represented on the Boards and Governing Councils of such bodies as the Governor may decide, including the Boards and Governing Councils in which the former Ministry of Budget and Planning served. Representation on the Board and Governing Councils

**PART VI**  
**ESTABLISHMENT, COMPOSITION, POWERS AND**  
**FUNCTIONS OF THE BOARD**

23. There is established a Board to be known as the Kaduna State Economic Planning Board. Establishment of State Economic Planning Board
24. The Board shall consist of the: Composition of the Board
- (a) Commissioner for Planning and Budget as Chairman;
  - (b) Commissioner for Local Government as Deputy Chairman;
  - (c) Commissioner of Rural and Community Development;
  - (d) Director-General, Rural Water Supply and Sanitation Agency (RUWASSA);
  - (e) Chairmen of all the 23 Local Government Councils in the State;
  - (f) Executive Chairman of the State Universal Basic Education Board;
  - (g) The General Manager, Kaduna State Agricultural Development Agency;
  - (h) Executive Secretary, Primary Health Care Development Agency;
  - (i) Secretary to the Commission;
  - (j) Director of Planning in the Commission to serve as Secretary of the Board.
25. Whenever in the opinion of the Board it is expedient or desirable to obtain the services or advice of any person on any matter under consideration by the Board, the Board may co-opt such person at such meeting as may be required. Power to Co-opt

26. The functions of the Board shall be to:

Functions of the Board

- (a) advise on measures necessary for the co-ordination of the planning efforts and economic programmes of the Local Government Areas in the State;
- (b) ensure that Local Government annual and multi-year budgets are integrated, consistent, and in harmony with the State's Development Plans;
- (c) advise the Local Government Councils in the State on measures necessary for efficient economic planning and budgeting so as to harness the resources of the Local Government Areas for the maximum benefit of the people;
- (d) undertake studies and produce statistical data to reflect the orderly, progressive and planned economic growth of the State; and
- (e) advise the Governor concerning the economic affairs of the Local Government Areas in the State.

27. The Board shall hold monthly meetings and submit its decisions and recommendations to the Commission.

Meetings of the Board

28. The Board shall have powers to make Standing Orders to regulate its proceedings.

Power to Make Regulations

29. The quorum for meetings of the Board shall be a simple majority.

Quorum for Meetings of the Board

30. The Board may appoint Sub-Committees to perform any of its functions in respect of any matter it may consider necessary.

Power to Delegate Functions

**PART VII**  
**ESTABLISHMENT, COMPOSITION, FUNCTIONS**  
**AND POWERS OF THE LOCAL GOVERNMENT**  
**PLANNING COMMITTEE**

31. There is established for each Local Government Council a Local Government Planning Committee. Establishment of the Local Government Planning Committee
32. The Local Government Planning Committee shall consist of: Composition of the Local Government Planning Committee
- (a) the Council Chairman, as Chairman;
  - (b) the Vice-Chairman of the Local Government Council;
  - (c) the Head of Planning and Budget in the Council;
  - (d) the Head of Finance and Treasury in the Council;
  - (e) one representative of the Traditional Institution;
  - (f) all Supervisors of the Local Government Council; and
  - (g) the Chairman of the Local Government Revenue Committee.
33. The Local Government Planning Committee shall advise the Council on the economic development of the Local Government Area in line with Kaduna State Development and Planning and undertake any other duty that may be assigned to it by the Board. Function of the Local Government Planning Committee
34. The Local Government Planning Committee may co-opt any person to any of its meetings on such terms as it may consider appropriate, provided that he shall not be entitled to vote on any question or be counted towards a quorum. Power to Co-opt
35. (1) The Head of Planning and Budget shall be a Member/Secretary to the Local Government Planning Committee. Secretary of the Committee
- (2) The Secretary to the Local Government Planning

Committee shall be responsible for:

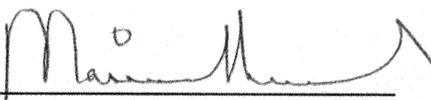
- (a) making arrangements for meetings;
  - (b) preparing the agenda for meetings after consultation with the Chairman;
  - (c) taking minutes of meetings;
  - (d) in conjunction with the Chairman, Local Government Planning Committee render regular reports to the Board; and
  - (e) any other duties that may be assigned by the Board or the Local Government Planning Committee.
36. The quorum at meetings of the Local Government Planning Committee shall be a simple majority. Quorum
37. The Governor may give to the Board directives of a general nature as to the discharge of its functions in relation to matters appearing to the Governor to affect the public interest. Power of the Governor to Give Directives

### **PART VIII MISCELLANEOUS**

38. The Commission shall prepare and submit to the Governor not later than 30<sup>th</sup> June of each year, a report in such form as he may direct on its activities during the preceding year, and shall include in such report a copy of its audited accounts for that year and the Auditor-General's comments. Annual Report
39. At the commencement of this Law: Transitional Provisions
- (a) the Ministry of Budget and Planning shall cease to exist; and
  - (b) the existing technical and professional staff of the former Ministry of Budget and Planning shall be deemed to have been transferred to the Commission.

40. The statutory functions, rights, interests, obligations and liabilities of the Ministry of Budget and Planning existing before the commencement of this Law under any contract or instrument shall be deemed to have been performed under this Law. Saving
41. All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Law were vested in the Ministry of Budget and Planning shall by virtue of this Law be vested in the Commission
42. The Economic Planning Board Law, Cap. 48, Laws of Kaduna State 1991, Kaduna State Planning Commission Edict No. 3 of 1999 and Paragraph 2 of the First Schedule to the Kaduna State Ministries Restructuring Order, No. 5 of 2015, are hereby repealed. Repeal

**DATED AT KADUNA** this .....17<sup>th</sup>..... day of .....May..... 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)

The purpose of this Law is to establish the Kaduna State Planning and Budget Commission to replace the Ministry of Budget and Planning and to provide for its functions, composition and structure.

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)