

**A LAW TO ESTABLISH THE KADUNA STATE  
FACILITIES MANAGEMENT AGENCY AND OTHER MATTERS  
CONNECTED THEREWITH**



Kaduna State of Nigeria

Law No. ....16..... 2015

(23<sup>rd</sup> December 2015)

Date of Commencement

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

Enactment

1. This Law may be cited as the Kaduna State Facilities Management Agency Law, 2015.

Short Title

2. This Law shall come into operation on the .....23<sup>rd</sup>..... day of .....December..... 2015.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

"Custodian" means a Ministry, Department or Agency of Government that acquired and is in control of an asset;

"Financial year" means a period of 12 months ending on 31<sup>st</sup> December or any other date as may be adopted by the State Government in any year and, in the case of the first financial year of the Agency, means the period commencing on the establishment day and ending on 31<sup>st</sup> December in the year in which the establishment falls;

"Governor" means the Governor of Kaduna State;

"Infrastructural Asset" means any real property owned, leased or otherwise managed by the State Government both within and outside the state;

"Member" includes the Chairman;

"Portfolio Strategy" means management plans used by the Agency in achieving its goals and objectives;

"State" means Kaduna State of Nigeria; and

"State Asset" means any property, whether movable or immovable acquired or owned by the state government;

"User of Asset" means every Ministry, Department or Agency of Kaduna State.

4. (1) There is established for the State Facilities Management Agency (referred to in this law as "the Agency").
- (2) The Agency:
- (a) Shall be a body corporate with perpetual succession and a Common Seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) may acquire, hold, manage and dispose of property or interest in property, moveable or immovable that accrues to the Agency by virtue of this Law.

Establishment of the Agency

5. The objectives of this Law are to:

- (a) provide for the effective preservation and maintenance of assets owned or controlled by the State Government;
- (b) provide a uniform management framework for sustainability, efficiency and accountability in the use and management of such assets;
- (c) ensure coordination in the use of assets within the service delivery objectives of the State Government;
- (d) optimize the cost of service delivery by:
  - (i) ensuring proper monitoring and accountability for capital and recurrent works;

Objectives of the Law

- (ii) establishing a system for regular maintenance and refurbishment of assets;
  - (iii) undertaking proper disposal of used assets;
  - (iv) Improving health and safety in the working environment; and
- (e) ensure that all State assets are properly managed and maintained by the Agency.

6. (1) The functions of the Agency are to:

- (a) develop a consistent approach to Assets Management across all Ministries, Departments and Agencies of government with the exemption of assets concessioned to an operator under a Public Private Partnership Agreement;
- (b) create an Asset Register that meets international standards;
- (c) draw up master plan towards management and maintenance of assets in the State;
- (d) Create performance benchmarks for the management of assets;
- (e) determine service levels for each asset class;
- (f) establish assessment procedure for state assets;
- (g) act as consultant in conjunction with the Ministries, Departments and Agencies of government in facility management and maintenance;
- (h) ensure compliance with relevant statutory provisions;
- (i) monitor and co-ordinate outsourced facility management services;
- (j) plan, implement and monitor all private and State owned asset;

Functions of the Agency

- (k) supervise all aspects of facilities management and maintenance with a view to ensuring that all public assets, facilities and installations are operating at optimal capacity;
  - (l) approve and register facility managers;
  - (m) perform periodic audit of State-owned infrastructure and assets and advise on the maintenance or disposal of such assets;
  - (n) co-ordinate the performance of outsourcing of management scheduled and unscheduled maintenance works, including but not limited to general cleaning, fumigation, painting, furniture works and fixtures, mechanical and electrical maintenance, replacement of spare parts, maintenance of sewage and drainage systems and horticultural requirements of all and any other State owned premises; and
  - (o) any other function that may be necessary for the attainment of the objectives of this Law.
- (2) Without prejudice to the generality of subsection (1) of this section in performing its functions under this Law, the Agency shall:
- (a) advise and make recommendation as may be appropriate in relation to policy matters, asset management in the State;
  - (b) foster and promote contacts, co-operation and exchange of information with Ministries, Departments and Agencies on asset management;
  - (c) co-operate with other competent authorities, organizations or persons whether in the state or elsewhere charged with the responsibilities for asset management;
  - (d) promote public awareness and publicity campaigns for the purpose of educating all concerned on the use and management of public infrastructure and facilities; and

(e) acquire adequate information on all new infrastructure projects in the state.

(3) The Agency shall have powers to make Regulations for the effective performance of its functions.

7. (1) The Board shall consist of:

The Governing Board

(a) a Chairman to be appointed by the Governor who shall be a person knowledgeable and experienced in assets management;

(b) a representative not below the rank of a Director from the following Ministries:

(i) Ministry of Finance;

(ii) Ministry of Budget and Economic Planning;

(iii) Ministry of Justice;

(iv) the Head of Service;

(v) any person responsible for investment matters in the State;

(vi) the Secretary to the State Government.

(vii) Ministry of Works, Housing and Transport;

(c) the Director General of the Agency who shall be the Secretary of the Board; and

(d) one member from each of the three Senatorial Districts one of whom shall be a woman.

(2) The members of the Board shall be appointed by the Governor.

8. The functions of the Board shall be to:

Functions of the Board

(a) set Guidelines for the management of the Agency and ensure compliance with the provisions of this Law and Regulations made under it;

- (b) provide general policy guidelines for the functions of the Agency and supervise the implementation of such policies;
  - (c) ensure the effective and optimum performance of the Agency;
  - (d) approve the drawn up master plan towards management and maintenance of asset in the State;
  - (e) ensure that all assets currently in use are operational, efficient and also meets the standard set by the Agency;
  - (f) administer the fund of the Agency;
  - (g) guide the Agency towards the attainment of its objectives and perform such other functions as are in the opinion of the Board necessary to ensure efficient performance of the Agency.
  - (h) making regulations for the appointment, promotion, discipline and transfer of staff of the Agency; and
  - (i) the establishment and development of a management structure with appropriate departments and units.
9. Subject to the provisions of this Law, the members so appointed shall hold office for a term of four (4) years and may be re-appointed for another term. Tenure of the Board
10. The members of the Board shall be paid such remuneration and allowances as may be determined and approved by the Governor. Remuneration and Allowances
11. (1) A person shall cease to hold office as a member of the Board if he: Cessation of Office of a Board Member
- (a) is adjudged bankrupt;
  - (b) is convicted of an offence involving fraud or dishonesty;

- (c) has conflict of interest that, in the opinion of the Governor, requires that the person should cease to hold such office;
  - (d) is incapacitated by reason of physical or mental illness;
  - (e) has been absent from three consecutive meetings without permission; or
  - (f) is guilty of gross misconduct.
- (2) A member of the Board may at any time resign from office by a letter addressed to the Governor and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Governor.
- (3) The Governor may at any time remove a member of the Board from office, if, in his opinion:
- (a) the member has become incapable through ill-health to effectively perform the duties of the office;
  - (b) the removal appears to be necessary for the effective performance of the functions of the board.
12. The Board shall appoint a Legal Adviser who shall be a Legal practitioner with at least ten (10) years post-call and cognate experience in facilities management, land and property law. Secretary/Legal Adviser
13. (1) The Board shall hold its meetings as frequently as may be necessary for the performance of its function's but not less than six (6) times a year. Meetings and Proceedings of the Board
- (2) Subject to the provisions of this Law the proceedings of the Board shall be regulated by standing orders.
14. (1) The quorum for a meeting of the Board shall be formed when a simple majority of the members are in attendance. Quorum

- (2) The Chairman shall preside at every meeting of the Board and in his absence any member other than the Director General so proposed and agreed to by the members.
  - (c) The Board shall perform its functions notwithstanding any vacancy or vacancies in its membership, provided it forms a quorum.
15. (1) the decision of the Board shall be by majority votes of the members present at the meeting and each member shall be entitled to only one vote. Voting Members
- (2) where there is equality of votes at a meeting, the Chairman or any member presiding at such meeting shall have a casting vote.
16. (1) There shall be for the Agency a Director General who shall be the Chief Executive and Accounting Officer of the Agency. Appointment of Director General
- (2) The Director General shall be appointed by the Governor.
- (3) The Director General:
- (a) shall hold office for a term of four years; and
  - (b) may be reappointed for another term of four (4) years if re-appointed.
- (4) The Director General may be removed from office by the Governor.
17. (1) The Director General shall be responsible for the day to day administration of the Agency. Functions of the Director General
- (2) The Director General may perform such other functions as may be assigned to him under this Law or as may be determine by the Board.
- (3) The Director General shall advise the Board in relation to the performance of the functions of the Agency and shall make proposals to the Board or any matter relating to the activities of the Agency.



- (4) The Director General may do such acts that are expedient or necessary for the purpose of exercising his functions under the Law.
- (5) Keep records of the proceedings of the Board.
18. Where the Agency desires to obtain the advice of any person(s) on any matter, the Agency may co-opt such person(s) to attend any of its meetings for that purpose and the co-opted person(s) shall not be entitled to vote or count towards a quorum. Power to Co-opt
19. (1) the Agency may, with the approval of the Governor employ or seek deployment from the State Civil Service such number of persons as it may from time to time determine to be members of staff of the Agency. Staff of the Agency
- (2) The terms and conditions of service and employment in the Agency shall be as applicable in the State Civil Service.
20. (1) There shall be a Common Seal for the Agency. Seal of the Agency
- (2) The seal of the Agency shall be authenticated by the signature of the Director General or any member of the Board authorized in that behalf.
- (3) Judicial notice shall be taken of the seal of the Agency and instrument purporting to be an instrument made by the Agency with its seal shall be received in evidence and shall be deemed to be such instrument without further proof unless the contrary is shown.
- (4) Any contract or instrument which does not require to be under Seal may be entered into or executed by any person dully authorized in that behalf by the Agency.
21. (1) A person shall not, unless authorized by the agency or by a member of staff of the Agency dully authorized in that behalf, disclose confidential information obtained by him or her in his official capacity, or while performing duties as: Prohibition of Unauthorised Disclosure of Information
- (a) a member of the Board or of a Committee set up by the Agency;

- (b) the Director General;
  - (c) a member of staff of the Agency; or
  - (d) a person engaged by the Agency in any other capacity.
- (2) The provisions of subsection (1) shall not apply to:
- (a) a communication made by a member of the Board, the Director General, a member of staff of the Agency or any other authorized person, in the performance of any of the functions under this Law, being a communication the making of which was necessary for the performance of any such function; or
  - (b) the disclosure by a member of the Board or the Director General, a member of staff of the Agency or any other authorized person to any member of the Nigerian Police of Information which in his opinion, may relate to the commission of an offence under this or any other Law.
- (3) Nothing in subsection (1) of this section shall prevent the disclosure of information by means of a report made:
- (a) to the Board or a committee, as the case may be; or
  - (b) by or on behalf of the Board or a Committee to the Governor.
22. Where the Director General, a member of the Board, a member of staff of the Agency or any other person engaged by the Agency has peculiar 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 consideration of the matter;
  - (b) neither influence nor seek to influence a decision relating to the matter;

Disclosure of Interests

- (c) not to 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.
23. (1) As from the commencement of this Law, every Ministry, Department or Agency of Government is declared User of Assets. Designation of User and Custodian of Assets
- (2) A custodian shall:
- (a) act as the caretaker in relation to assets of which it is the custodian;
  - (b) be responsible for the performance of the functions assigned under the provisions of this Law or any agreement with the Agency; and
  - (c) be liable for any act or omission in relation to asset of which it is the custodian, excluding an act or omission in good faith.
24. (1) The Agency shall, not later than 30<sup>th</sup> of June of each year, submit to the Governor a report of the asset of the State. Annual Report of the Agency
- (2) The report must contain at least:
- (a) standardized information about all assets of the State;
  - (b) the last valuation of assets;
  - (c) factual and quantitative information of the performance of the assets in meeting delivery needs;
  - (d) Strategies for management of assets of the State.
25. (1) It is an offence to contravene or fail to comply with any provision of this Law or the Regulations made by the Agency. Offences and Penalties

(2) A person guilty of an offence under the provisions of this Law is liable on conviction to a fine not exceeding two hundred thousand naira (N200,000.00) or imprisonment for a term not exceeding one (1) year or both.

26. (1) Subject to the Regulations, the Agency may prepare, issue and publish Guidelines and Regulations not inconsistent with this Law with regard to any matter that is required or permitted to be prescribed in terms of this Law and any other incidental or administrative matter necessary for the proper administration and implementation of this Law.

Agency Guidelines and Regulations

27. (1) Subject to the provisions of this Law, no suit shall be commenced against the Agency before the expiration of thirty (30) days after written notice of intention to commence such suit has been served upon the Agency by the intending claimant or his agent, and the notice shall clearly state:

Legal Proceedings

- (a) the cause of action;
- (b) the particulars of claim; and
- (c) the relief sought.

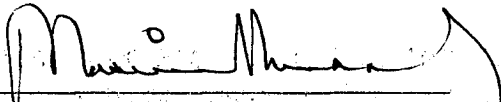
(2) No staff of the Agency shall be liable for any act or omission done in exercise of any function or power conferred by this law upon him.

28. (1) As from the commencement of this Law the power to dispose State assets shall be vested in the Agency.

Power of Agency to Dispose State Assets

(2) Notwithstanding the provision of subsection (1) the power shall be exercised in consultation with the custodian.

DATED AT KADUNA this 22<sup>nd</sup> day of December 2015.

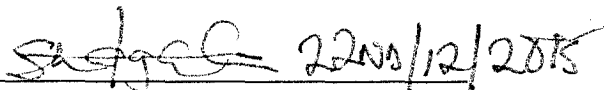
  
**Malam Nasir Ahmad el-Rufa'i**  
Governor, Kaduna State.

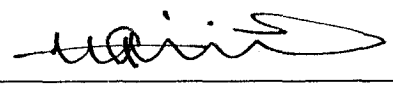
**EXPLANATORY NOTE**

(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 Facilities Management Agency, charged with the responsibility of ensuring that all states assets and property are properly managed and their maintenance outsourced to private operators under the exclusive supervision 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)

  
**BARR. UMMA ALIYU HIKIMA**  
(Clerk to the Legislature)