

**A LAW TO ESTABLISH THE KADUNA STATE  
PRIMARY HEALTH CARE DEVELOPMENT AGENCY**



Kaduna State of Nigeria

Law No. 14 ..... 2015

( 1<sup>st</sup> September 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 Primary Health Care Development Agency Law, 2015.

Short Title and Commencement

2. This Law shall come into operation on the ..... **FIRST** ..... day of ..... **SEPTEMBER** ..... 2015.

Commencement

3. (1) In this Law unless the context otherwise requires:

Interpretation

“Agency” means the State Primary Health Care Development Agency established under Section 4 of this Law;

“Board” means the Governing Board of the Agency established under Section 5 of this Law;

“Chairman” means a Part-Time Chairman of the Agency appointed under Section 5 of this Law;

“Functions” includes powers and duties;

“Governor” means the Governor of Kaduna State of Nigeria;

“Local Government Areas” means the twenty three (23) Local Governments Area of the State;

“Member” means a Member of the Board and includes the Chairman;

“Private Health Establishments” means Hospitals, Nursing Homes, Maternity Homes, Convalescent Homes and Medical Clinics under the control or supervision of Medical Practitioners and includes Medical Laboratory Centres, Physiotherapy Centres, Radiographic (x-ray) Centres or premises regulated by the Pharmacists Council of Nigeria and those duly qualified and registered Ophthalmologists, Opticians and Optometrists;

“Reproductive Health” includes pre-natal and post-natal care;

“State” means Kaduna State of Nigeria.

- (2) This Law shall apply to Health Posts, Basic Health Clinics, Primary Health Centres, Comprehensive Health Centres, Mobile Clinics and such other Health Institutions that come under Primary Health Care.
4.
  - (1) There is established for the State, a body to be known as the Kaduna State Primary Health Care Development Agency. Establishment of the Agency
  - (2) The Agency shall be a body corporate with perpetual succession and Common Seal and with power to sue and be sued in its corporate name and may acquire, hold and dispose of any property whether movable or immovable.
5. The Board shall consist of the following members to be appointed by the Governor: Composition of the Board
  - (a) a Part-Time Chairman who shall be a person of proven integrity and outstanding ability in Management.
  - (b) Ex-Officio members not below the rank of Assistant Director in the State Civil Service one from each of the Ministries/Departments responsible for:

- (i) Health;
  - (ii) Local Government;
  - (iii) Finance;
  - (iv) Rural and Community Development;
  - (v) Youth Matters;
  - (vi) Budget and Economic Planning;
  - (vii) Women Affairs; and
  - (viii) Education.
- (c) Two representatives each on rotational basis from:
- (i) Private Health Care Providers in the State;
  - (ii) Health Professional Bodies.
- (d) Three members, one from each of the three Senatorial District in the State on part time basis.
- (e) Representative of the Drug and Medical Supplies Agency.
- (f) Three Local Government Council Chairmen, one each from the three Senatorial Districts.
- (g) The Executive Secretary shall be the Secretary of the Board.
6. (a) The Chairman and members other than Ex-Officio Members shall hold office for a period of four (4) years and shall be eligible for reappointment for a further final term of four (4) years. Tenure of Office
- (b) There shall be paid to the Members of the Board such allowances as the Governor may determine.
7. The office of a member of the Board, other than an Ex-Officio member, shall become vacant if: Vacation of Office
- (a) he resigned his appointment by notice in writing addressed to the Governor;

- (b) he dies;
- (c) the period of his appointment expires;
- (d) he is convicted of an offence involving fraud by a court of competent jurisdiction;
- (e) he is adjudged or declared bankrupt;
- (f) sentenced to death or imprisonment;
- (g) he is a member of a secret society; and
- (h) the Board passed a resolution declaring that:
  - (i) he has become incapable by reasons of mental or bodily infirmity or unable to discharge his duties;
  - (ii) he has become unfit for membership of the Agency by reason of the fact that he has interest in contract entered into by the Agency and has not disclosed that fact; or
  - (iii) he has become unfit for membership by reason of having contravened the provisions of this Law or any regulations made generally for the carrying into effect the purpose of this Law.

8. The Board shall have power to:

- (a) make Standing Orders to regulate its proceedings, the conduct of meetings and award of contracts;
- (b) regulate; coordinate and supervise the activities of all Primary Health Care Departments of Local Government Areas in the State;
- (c) employ and train its staff and exercise disciplinary control over such staff;
- (d) do such other acts or things as may appear to the Board necessary for carrying into effect any provision of this Law;

Power and Functions of  
the Board

- (e) maintain and coordinate all Primary Health activities in the State;
  - (f) Be responsible for coordination of planning, budgeting, provision and monitoring of all Primary Health Care Services;
  - (g) pay salaries and allowances of all Primary Health Care Staff in the State;
  - (h) maintain up to date personnel records of all Primary Health Care employees in the State;
  - (i) perform inter-departmental or inter-Local Government Transfer of all categories of Staff from all Primary Health Care facilities; and
  - (j) any other services applicable to the Agency.
9. Subject to the provisions of this Law, the Board may delegate any of its functions to any person or authority; however, nothing shall prevent the Board from exercising the powers so delegated to any person or authority.
- Power of Board to Delegate Functions
10. (a) The Board shall meet at such time as it may deem expedient for the transaction of its business and such meetings shall be held at such places and times and on such day as the Chairman may decide, except that the Board shall meet at least once in every quarter of the year.
- Meetings and Quorum of the Board
- (b) The quorum for any meetings of the Board shall be Chairman and five (5) members but where the Chairman is absent from any meeting the members present shall elect one of them to act as the Chairman for that purpose.
11. (1) There shall be appointed by the Governor an Executive Secretary for the Agency.
- Executive Secretary of the Agency
- (2) The Executive Secretary shall be a Medical practitioner of proven integrity, with additional qualification in public health and cognate experience of not less than ten (10) years.

- (3) The Executive Secretary appointed pursuant to subsection (1) of this Section shall:
  - (a) be the Chief Executive and Accounting Officer of the Agency;
  - (b) carry out the day-to-day administration of the Agency;
  - (c) ensure the implementation of the decisions of the Board.
- (4) The Executive Secretary shall hold office for a period of five years and shall be eligible for reappointment for another term of five (5) years only.
- (5) there shall be paid to the Executive Secretary such salary and allowances as the Governor may determine.
- (6)
  - (a) the Executive Secretary may at any time resign his appointment by notice of resignation in writing under his hand to the Governor.
  - (b) if the Governor is satisfied that the executive Secretary;
    - (i) has been convicted of an offence involving fraud or dishonesty;
    - (ii) is incapacitated by physical or mental illness from performing his functions as a member;
    - (iii) has become bankrupt or made arrangements with his creditors;
    - (vi) has such financial or other interest in the operation of the Board which is likely to affect prejudicially the discharge of his functions as member;
    - (v) is otherwise unable or unfit to discharge his functions as Executive Secretary, the Governor may declare his office vacant.

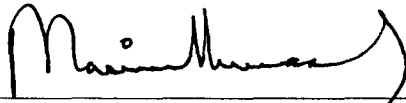
12. (1) The Agency shall keep proper record and statement of accounts of all its transactions and shall cause to be prepared a report on or before 31<sup>st</sup> December of each financial year. Annual Accounts and Audit Reports
- (2) The statement of account referred to in sub-section (1) of this Section shall be verified by the Board and audited by a firm of auditors appointed by the Board and nominated by the Auditor-General of the State and shall be published in the annual report of the Agency.
13. (1) The Agency shall have the following Departments for the running of its activities: Departments
- (a) Primary Health Care;
  - (b) Administration and Finance;
  - (c) Epidemiology and Disease Control; and
  - (d) Planning, Research, Monitoring and Evaluation.
- (2) Subject to the approval of the Governor, the Board may decrease, merge or create additional Unit(s) when the need arises.
14. The Agency shall have in each Local Government Area Primary Health Care Office that will monitor, coordinate and manage the facilities under them, respectively. Establishment of Local Government Area Primary Health Care Offices
15. The functions of the Local Government Primary Health Care Offices shall be: Functions of Local Government Area Primary Health Care
- (a) managing of Primary Health Care of the Local Government Area;
  - (b) supervising and monitoring all Primary Health Care services in the Local Government Area;
  - (c) Maintenance of Primary Health Care facilities of the Local Government;
  - (d) monitoring and implementation of special Primary Health Care programmes and projects;

- (e) custody, distribution, monitoring and retrieval of supplies of Primary Health Care commodities in the Local Government Area; and
  - (f) Ensuring data collection processing and forwarding to State Health Management Information System.
16. (1) There shall be in each Local Government Area a Primary Health Care Advisory Committee.
- Establishment of the  
Local Government  
Primary Health Care  
Advisory Committee
- (2) The Committee shall advise and give guidance to the Primary Health Care management of the Local Government Area.
17. (1) The Local Government Advisory Committee shall have the following members:
- Composition of the  
Advisory Committee
- (a) Councillor of Health in the Local Government Council as Chairman;
  - (b) Head of Local Government Primary Health Care Office as Secretary;
  - (c) Head of Secondary/Highest Health facility in the Local Government Area;
  - (d) A District Head or Traditional Ruler appointed by the Chairman of the Local Government Council;
  - (e) representative of Medical and Health Workers Union in the Local Government Area;
  - (f) one experienced Traditional Birth Attendant (TBA);
  - (g) one Principal representing Secondary Schools in the Local Government Area;
  - (h) two representatives of Faith-Based Organisations in the Local Government Area; and
  - (i) two Headmasters to represent all the Primary Schools in the Local Government Area.



- (2) The Committee shall meet at least quarterly.
18. (1) The Agency shall be jointly funded by the State and Local Government Councils based on a ratio of 40% and 60% respectively. Funding of the Agency
- (2) The Agency shall have power to source for funds from:
- (a) local and International Donor Agencies;
  - (b) gifts;
  - (c) grants and Aids;
  - (d) intervention Funds Accruing to the Agency from the Federal Government of Nigeria;
  - (e) other sources, as may from time to time, be approved by the Governor.
19. (1) The Agency may enter into or execute any contract. Authentication of Instrument
- (2) Where a Seal is required in a contract or any other document, the fixing of the Common Seal of the Board shall be authenticated by the signature of the Executive Secretary to the Agency or of any member generally or specifically authorised in that behalf by the Board.
20. The Governor may give to the Agency direction of a general or specific nature with respect to the performance of its functions. Governor's Direction
21. The Agency may, with the approval of the Governor make regulations to carry into effect all or any of the provisions of this Law and generally for proper administration of the Primary Health Care and Disease Control services in the State. Regulations
22. Staff of the Agency shall be entitled to pensions, gratuities and other retirement benefits in accordance with the Pensions Law applicable in the State. Pensions and Gratuities
23. The Kaduna State Primary Health Care Agency Law, No. 4 of 2008 is hereby repealed. Repeal

DATED AT KADUNA this ..... **FIRST** ..... day of ..... **SEPTEMBER** ..... 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 substitute Kaduna State Primary Health Care Agency Law No. 4 of 2008.

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)