

**A LAW TO ESTABLISH THE KADUNA STATE
ROADS AGENCY (KADRA), 2017**



Kaduna State of Nigeria

Law No.⁹..... 2017

(15th June 2017)

Date of Commencement

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

Enactment

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna State Roads Agency (KADRA) Law, 2017.

Short Title

2. This Law shall come into operation on the^{15th}..... day of^{June}..... 2017.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

"Agency" means the Kaduna State Roads Agency (KADRA);

"Board" means the Governing Board of the Agency;

"Commissioner" means the Commissioner responsible for works;

"Managing Director" means the Chief Executive Officer of the Agency;

"Government" means the Kaduna State Government;

"Governor" means the Governor of Kaduna State;

"Member" means Member of the Board and includes the Chairman;

"Ministry" means the Ministry responsible for Works;

"Regulations" means any Regulations or Guidelines issued by the Board under this Law;

"Roads Camp" means an outfit or unit office established by the Agency along State roads in each Local Government Area and includes the State roads camp responsible for clusters of Local Government Areas in high population density Areas;

"Roads" means State trunk roads, urban roads, rural roads and new roads, excluding Federal trunk roads traversing the State;

"State" means Kaduna State of Nigeria;

"Strategic Documents" includes Road Asset Management System, Strategic and Annual Business Plans and other documents that might become effective in relation to roads and road transport in the State;

"Road Assets Management Plan" means the plan of the adopted system for Road Asset Management in Kaduna State.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE AGENCY

4. (1) There is established in the State, the Kaduna State Roads Agency (KADRA).
- (2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and may:

Establishment of the Agency

- (i) take, purchase or otherwise acquire and hold movable or immovable property;
- (ii) borrow money with the approval of the Board;
- (iii) do or perform all such things or acts as may be necessary or incidental for the performance of its functions under this Law.

5. The Agency shall:

Functions of the Agency

- (i) construct, upgrade, maintain, and rehabilitate roads within the State;
- (ii) enter into contract with successful bidders and perform project management and quality control;
- (iii) establish and operate an information and management system concerning roads;
- (iv) initiate and take part in studies, scientific research and experiments relating to the efficient management and operations of the State's road network, including studies on traffic, and ensure their implementation;
- (v) set technical and other standards for the construction, upgrading, rehabilitation and maintenance of roads through harmonization of all existing standards and ensure their implementation in the State;
- (vi) prepare or arrange for the preparation of road designs and maintenance programmes;
- (vii) prepare annual and medium-term programmes for the construction, re-construction, maintenance, protection and development of roads in accordance with the priorities set out in the strategic documents for approval by the Governor;

- (vii) organise and manage the annual updates and five yearly reviews of the Strategic and Annual Business Plans and programmes;
- (viii) prepare Strategic and Annual Business Plans in accordance with the Road Asset Management System for roads;
- (ix) monitor and evaluate the use of roads;
- (x) provide, establish, erect and maintain facilities on roads for the convenience and safety of road users;
- (xi) acquire or hire property required for the performance of the functions of the Agency;
- (xii) keep proper records of roads and other movable and immovable assets under its control;
- (xiii) collaborate or liaise with Federal Agencies charged with the management and construction of Federal roads in the State;
- (xiv) liaise with Local Government Councils in relations to construction, maintenance, rehabilitation and upgrade of rural roads; and
- (xv) exercise such other powers or perform such other duties as may be expedient in order to achieve the objectives of this Law.

PART III

THE GOVERNING BOARD OF THE AGENCY

6. There is established a Governing Board for the Agency, with Members appointed by the Governor as follows:

Establishment and
Composition of the Board

- (i) the Chairman;
- (ii) the Managing Director of the Agency;

- (iii) one representative each, not below the rank of a Director, from the Ministries responsible for:
 - (a) Works, Housing and Transport;
 - (b) Planning and Budget Commission;
 - (c) Rural and Community Development;
 - (d) Local Government and Chieftaincy Affairs; and
 - (e) Justice
- (iv) representative of the Kaduna State Urban Planning and Development Agency (KASUPDA) not below the rank of a Director;
- (v) representative of the Kaduna State Environmental Protection Agency (KEPA) not below the rank of a Director;
- (vi) representative of the Kaduna State Geographic Information Service (KADGIS) not below the rank of a Director;
- (vii) a representative of the Council of Registered Engineers of Nigeria (COREN), Kaduna State Branch with experience in road construction and maintenance; and
- (ix) two (2) other members from the private sector, one of whom shall be a woman.

7. The functions of the Board shall be to:

Functions of the Board

- (i) approve the road assets management plan prepared by the Managing Director and guide its implementation;
- (ii) ensure that the procurements undertaken by the Managing Director on behalf of the Agency are In

accordance with the road asset management plan and the provisions of the State's Public Procurement Law;

- (iii) monitor compliance with the annual investment plans;
- (iv) oversee the execution of the Agency's research programmes;
- (v) oversee the appointment, promotion, discipline and transfer of staff of the Agency;
- (vi) give directives of a general or specific nature to the Managing Director for the purpose of achieving the objectives of this Law;
- (vii) Submit financial and annual reports to the Commissioner.

8. (1) The Members of the Board, with the exception of the Ex-officio Members, shall hold office for a period of four years and may be re-appointed for another four year term only.
- (2) A Member of the Board may resign his appointment in writing under his hand, addressed to the Governor, and upon receipt of the letter of resignation the appointment of the Member shall cease.

Tenure of Members

9. The Governor may remove any Member of the Board if:

Removal from Office

- (i) he is found liable of misconduct in relation to his duties;
- (ii) he becomes mentally and physically incapacitated;
- (iii) he is adjudged Bankrupt;
- (iv) he is convicted of a felony or any offence involving dishonesty or fraud;
- (v) he has been absent from five (5) consecutive meetings of the Board without any reasonable excuse;

- (vi) in the case of a person possessed of professional qualification, he is disqualified from practicing his profession by the relevant professional body; or
- (vii) for any other reasons as he considers expedient.
10. There shall be paid to the Members of the Board such remuneration as may be determined from time to time by the Governor. Remuneration of Members
11. (1) The Board shall ordinarily meet for the discharge of its functions at such times and places as the Chairman may appoint, but not less than four (4) times in any calendar year. Meetings of the Board
- (2) The Chairman shall preside over meetings, and when absent any other Member present may be appointed to preside.
- (3) Where not less than a simple majority of Members of the Board request the Chairman, by notice in writing signed by them, to convene an extraordinary meeting of the Board for the purposes specified in the notice, the Chairman shall, upon receipt of such notice, convene an extraordinary meeting of the Board for those purposes at the earliest convenient date.
12. The quorum for a meeting of the Board shall be a simple majority of Members. Quorum
13. (1) All questions at a meeting of the Board shall be determined by a majority of votes of the Members present and voting. Voting
- (2) At any meeting of the Board each Member shall have a vote, and if there is equality of votes, the Presiding Chairman shall have a second or casting vote.
14. Where the Board desires to obtain the advice of any person(s) upon any matter, the Board may co-opt such person to be a Member for the meeting or meetings as may be required, and Power to Co-opt

the person shall whilst so co-opted, have all the rights and privileges of a Member of the Board save that he shall not be entitled to vote on any question or count towards a quorum.

15. (1) A Member of the Board who is in any way directly or indirectly interested in a transaction or project of the Agency shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes book of the Agency, and the Member shall not take part in any deliberation or decision of the Board with respect to that transaction or project.
- (2) For the purpose of subsection (1) of this Section, a general notice given at a meeting of the Board by a Member to the effect that, he is associated with any trade or business or he is a Member of a specified company or firm interested in any transaction or project of the Agency, shall be regarded as sufficient disclosure of his interest in relation to that transaction or project.
- (3) A Member may not attend a meeting of the Board in person in order to make a disclosure which he is required to make under this Section, if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

Disclosure of Interest by
Members of the Board

16. The validity of any proceedings of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of a Member of the Board, or by reason that a person not entitled to do so took part in the proceedings.

Validity of Proceedings of
the Board

PART IV

MANAGEMENT AND STAFF OF THE AGENCY

17. (1) There is appointed for the Authority, a Managing Director who shall be the Chief Executive Officer of the Agency.
- (2) The Managing Director shall be appointed by the Governor and shall possess a minimum qualification of a

The Managing Director

first degree in a relevant field with not less than ten years professional experience.

- (3) The Managing Director shall hold office for a term of five (5) years and may be re-appointed for a further term of five (5) years only.
 - (4) The Managing Director shall be in charge of the running of the day-to-day activities of the Agency
18. (1) There shall be appointed, a Secretary/Legal Adviser to the Board who shall be a legal practitioner with not less than 10 years post qualification experience. The Secretary/Legal Adviser
- (2) The Secretary/Legal Adviser shall be responsible for:
- (i) the administration of the Secretariat and Legal Unit of the Agency;
 - (ii) keeping the books and proper records of the proceedings of the Board;
 - (iii) conveying decisions of the Board to its members;
 - (iv) generally performing all other duties affecting the Agency as may be specifically assigned to him by the Board or the Managing Director.
19. (1) The Agency may, subject to the Governor's approval, appoint such number of persons as it may consider necessary as employees, either from the public or private sector, upon such terms as it may determine from time to time. Staff of the Agency
- (2) Service in the Agency shall be approved service for the purpose of payment of pension in accordance with the Pension Law, and therefore staff of the Agency shall be entitled to the payment of pension and other benefits.
20. (1) On the commencement of this Law, such personnel of any Ministry, Department, or Agency, that meet the Transfer of Personnel, Assets, Rights and Liabilities

professional criteria of the. Agency, may be transferred to the Agency, and, where this occurs, such transfer shall be subject to the same conditions of service of the Agency regarding salary, remunerations and seniority.

- (2) All the assets (including immovable property), rights and liabilities of the State's Agency or Ministry pertaining to roads are transferred to the Agency on the commencement of this Law.
21. (1) The Agency may enter into construction/maintenance contracts and Service Level Agreements with independent contractors for the construction or maintenance of roads on such terms as may be specified in the Agreement.
- (2) Other minor works, the threshold of which shall be determined by the State Executive Council, shall be executed by the Agency by way of direct labour.

PART V FINANCIAL PROVISIONS

22. (1) The Agency shall establish and maintain a fund which Funds of the Agency shall consist of:
- (i) monies appropriated for the Agency from the consolidated fund of the State by the State House of Assembly;
 - (ii) any investment or other property acquired by or vested in the Agency;
 - (iii) all other assets that may from time to time be vested in or accrue to the Agency in the course of performing its functions under this Law.
- (2) The Agency shall ensure that its funds are utilized strictly to defray its operating expenses for the purpose of discharging its functions under this Law.

23. (1) The Agency may with the approval of the Governor borrow money by issuing debentures, stocks, or other securities or in any other manner for and in connection with the exercise of its functions under this Law. Power to Borrow Money
- (2) An approval given for the purpose of this section may be either general or limited to a particular transaction.
24. (1) The Agency shall keep proper books and records of account of all its transactions in such form as the Board may direct. Accounts of the Agency
- (2) The form of accounts shall be such as to secure the provision of separate information in respect of each of the main activities and divisions of the Agency.
- (3) The Agency shall cause to be prepared and submitted to the State Executive Council not later than 30th September of each year a statement of its income and expenditure estimates for the succeeding year.
25. (1) The accounts of the Agency shall be audited annually by external auditors appointed by the Board from a list of approved auditors provided by the Auditor-General of the State. Audit
- (2) The Agency shall, within six (6) months after the end of each financial year, furnish the Governor with:
- (i) a copy of the audited accounts of the Agency;
 - (ii) a copy of the general report and full report of the external Auditor; and
 - (iii) a detailed report of the state of affairs of the Agency for the financial year.
- (3) The Agency shall cause its audited accounts to be published in the State Official Gazette after complying with subsection (1) of this Section.

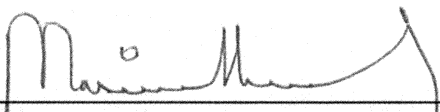
26. (1) The Agency shall submit an Annual Report of its activities to the Governor in accordance with the provisions of this Law. Annual Reports
- (2) The Annual Report shall amongst other information, contain audited financial report and a detailed presentation of the performance of the Agency during the reporting year and it shall also contain an analysis of the opportunities and challenges faced by the Agency and the actions proposed for addressing them.

PART VI GENERAL PROVISIONS

27. (1) No proceedings may be commenced against the Agency, before the expiration of one month after written notice of intention to commence the suit, shall have been served on the Agency. Pre-action Notice
- (2) The notice referred to in subsection (1) of this section shall clearly and explicitly state the cause(s) of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief(s) which he claims.
28. The provisions of the Public Officers Protection Law, Laws of Kaduna State 1991 shall apply in relation to any suit instituted against the Agency or its employees. Limitation of Suits Against the Agency
29. (1) The Common Seal of the Agency shall be such as may be determined by the Board, and the affixing of the common seal shall be authenticated by the signatures of the Chairman and the Secretary, or of some other Member(s) authorised generally or specifically by the Board to act for that purpose. Common Seal
- (2) Any document purporting to be a document duly executed under the common seal of the Agency shall be received in any Court and shall, unless the contrary is proved, be deemed to be so executed.

30. The Agency may with the approval of the Governor make Rules and Regulations as may be considered necessary for the effective discharge of its functions under this Law. Power to Make Regulations
31. (1) The rights, interests, obligations, assets and liabilities of the Kaduna State Public Works Agency (KAPWA) under any contract or instrument before the commencement of this Law are hereby vested in the Agency. Savings and Repeals
- (2) The Kaduna State Public Works Agency (KAPWA) Law, 2002 is hereby repealed.

DATED AT KADUNA this 15th day of June 2017

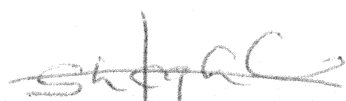

Malam Nasir Ahmad el-Rufai,
Governor of Kaduna State.

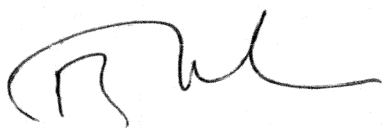
EXPLANATORY NOTE

(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 Roads Management Agency (KADRA) to undertake the construction and/or maintenance of roads in the State.

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)