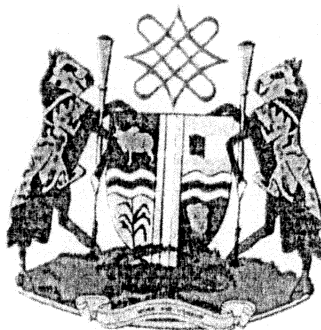


**A LAW TO ESTABLISH THE KADUNA STATE AGENCY  
FOR COMMUNITY AND SOCIAL DEVELOPMENT, 2016**



Kaduna State of Nigeria

Law No. 16 ..... 2016

( November 1, 2016 )

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 Community and Social Development Agency Law, 2016.

Short Title

2. This Law shall come into operation on the .....<sup>1<sup>st</sup></sup> day of .....  
November ..... 2016.

Commencement

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

Interpretation

"Agency" means the Kaduna State Community and Social Development Agency;

"Community" means a group of people living in one place, locality or district;

"Donor" means a Country, organisation or individual making contribution to a project;

"Governor" means Governor of Kaduna State;

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

- (d) create economic activities, provide timely and affordable social services and ensure development of communities in an environmentally sustainable manner;
- (e) carry out public enlightenment and mobilisation of communities, towards successful execution of Projects;
- (f) render advisory service and support to local communities, government, individuals and businesses where necessary;
- (g) disburse such funds provided to it by donors or the State or Local Governments in support of poverty reduction to beneficiary communities;
- (h) initiate appropriate policy action on the impact and measures aimed at combating poverty in the State;
- (i) prepare and submit to the Ministry for Rural and Community Development annual work-plan of the Agency;
- (j) supervise, monitor and evaluate the implementation of the community, rural and social development programmes in the State;
- (k) ensure annual auditing of accounts;
- (l) liaise with State Ministries, Departments, Local Governments, Statutory Bodies, Research Agencies, Donor Agencies, Domestic and International Organisations and Communities to ensure effective implementation of Projects;
- (m) registration of community development associations;
- (n) making regulations for the appointment, promotion, training, development, discipline and transfer of the Staff of the Agency; and
- (o) perform such other functions as may be expedient.

**PART III**  
**ESTABLISHMENT AND PROCEEDINGS OF THE AGENCY**

6. (1) There is established an Agency to be known as the Kaduna State Community and Social Development Agency. Establishment of the Agency
- (2) The Agency shall:
- (a) be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name; and
  - (b) have power to acquire, hold and lease any of its property whether moveable or immoveable.
7. (1) The Agency shall have a Governing Board which shall be its policy making body. Governing Board and Composition
- (2) The Board shall comprise of the following members to be appointed by the Governor:
- (a) a Chairman;
  - (b) Ex-officio members representing the following Departments or Ministries not below the rank of a Director:
    - (i) Ministry of Women Affairs and Social Development;
    - (ii) Ministry of Finance;
    - (iii) Ministry of Budget and Planning;
    - (iv) Ministry of Works, Housing and Transport;
    - (v) Ministry for Local Government and Chieftaincy Affairs;
    - (vi) Ministry of Agriculture; and
    - (vii) Ministry for Community and Rural Development.

- (c) Four (4) persons representing the three Senatorial Districts of whom at least two (2) shall be women chosen from various professional backgrounds.
- (d) Two persons representing Civil Society Organisations.
- (e) The General Manager of the Agency.
- (f) The Secretary of the Board to serve as Secretary.

8. (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.

9. 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) ensure appropriate monitoring of various stages of Project circle as well as ensuring that milestones are met within set timelines;
- (d) review and approve Projects to ensure community involvement in Project prioritisation and identification;
- (e) ensure compliance with governance and public expenditure reform criteria; and
- (f) ensure that relevant reports are submitted to the State Government, Federal Government and Donor Agencies as necessary.

10. 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

11. The members of the Board shall be paid such remuneration and allowances as may be determined and approved by the Governor.

Remuneration

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 General Manager, a member of Staff of the Agency or any person engaged by 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: Disclosure
- (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 General Manager for the Agency who shall be appointed by the Governor. General Manager
- (2) The General Manager shall be a person with cognate experience in rural development and public administration, and possesses the relevant and adequate professional qualifications.
  - (3) The General Manager 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 General Manager 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 General Manager 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 and Legal Adviser for the Agency, who shall be responsible to the General Manager for the discharge of his functions. Secretary of the Agency
- (2) The Secretary shall be a Legal Practitioner with at least seven (7) years post-call and 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 General Manager.
- 17. The Agency shall, subject to the approval of the Governor, establish such Departments as it deems necessary. Departments
- 18. (1) No Staff of the Agency shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.



(2) (i) The Board may appoint standing or ad hoc committee to perform on behalf of the Board, some of its functions as the Board may determine. Sub-committees

(ii) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board.

(iii) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

(3) (i) The Common Seal of the Agency shall not be used or affixed to any document except in pursuance of resolution duly passed at a meeting of the Board and recorded in the minutes of such meetings; Common Seal

(ii) The Secretary shall have custody of the Common Seal of the Agency and be responsible for fixing the Common Seal into any document;

(iii) The fixing of Common Seal shall be authenticated by the signature of the Chairman and Secretary; and

(iv) Any document purporting to be a document duly executed under the Common Seal of the Agency shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

19. The Board may, subject to the provisions of this Law, make rules prescribing the following:

(i) the qualifications and mode of appointment of staff of the Agency;

(ii) the terms and conditions of service of employees;

(iii) such other matters relating to department procedures, duties and responsibilities of employees.

## **PART IV FINANCIAL PROVISIONS**

20. The funds and resources of the Agency shall consist of:

Funds and Resources

- (a) all sums, investments or other property vested in the Agency by virtue of the provisions of this Law;
- (b) such sums or other property as may from time to time be advanced by way of loans or grants to the Agency by any Federal, State, or local government, any international organisation, and private foundation or any person whatsoever;
- (c) any investments or other property whatsoever acquired by the Agency; and
- (d) any money allocated to the Agency by the State House of Assembly as budgetary allocation or such other money as may from time to time accrue to the Board.

21. The Agency may accept gifts, grant or donation of land, money or other property from any person upon such terms and conditions acceptable to the Agency.

Power to Accept Gifts

22. The Agency shall apply its funds to defray the following charges:

Management of Funds

- (a) the allowances of the members of the Governing Board of the Agency;
- (b) the salaries, remuneration, fees, allowances, pensions of the staff, employees, agents, technical and other advisers or consultants of the Agency;
- (c) such works of a capital nature as the Agency may deem necessary;
- (d) taxes, rates and other levies payable by the Agency under any Law;
- (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.

23. (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.

24. The Agency shall not later than 30<sup>th</sup> 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

25. (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

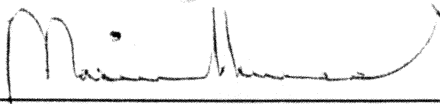
(2) An approval given for the purposes of this section may be either general or limited to a particular borrowing and any specified conditions.

## **PART V MISCELLANEOUS**

26. (1) No suit shall be instituted in any court against the Agency, a member of the Agency, any staff or other employee of the Agency for any act done in pursuance or execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or authority, unless: Limitation of Action  
Against Agency, Pre-  
Action Notice Etc.

- (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.
27. The notice referred to in subsection (2) of Section 26 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 General-Manager at the Principal office of the Agency. Service of Documents
28. Employees of the Authority shall be entitled to pension as may be prescribed by the Pension Law applicable in the state Pension Rights

**DATED AT KADUNA** this .....<sup>1st</sup>..... day of .....<sup>November</sup>..... 2016.

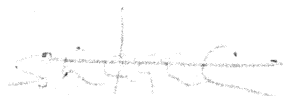
  
**Malam Nasir Ahmad el-Rufa'i,**  
Governor, Kaduna State.

**EXPLANATORY NOTE**

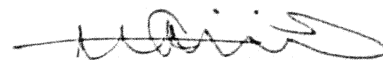
(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to establish an Agency charged with the responsibility of promoting community and social development in Kaduna 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)



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