

**A LAW TO ESTABLISH THE KAFANCHAN MUNICIPAL
AUTHORITY AND FOR OTHER MATTERS
CONNECTED THEREWITH**

TABLE OF CONTENT

SECTION

**PART I
PRELIMINARY**

1. Short Title
2. Commencement
3. Interpretation

**PART II
ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY**

4. Establishment of the Kafanchan Municipal Authority
5. Functions of the Authority

**PART III
COMPOSITION OF THE GOVERNING BOARD**

6. Composition of the Governing Board
7. Tenure and Cessation of office of Members
8. Management Committee
9. Meetings of the Board and Management Committee
10. Quorum and voting
11. Power to co-opt
12. Proceedings
13. Remuneration of members of the Board and Management Committee

**PART IV
MANAGEMENT AND STAFF OF THE AUTHORITY**

14. Appointment of the Commissioner
15. Directors to the Authority
16. Appointment of Legal Adviser
17. Staff of the Authority
18. Pension
19. Departments of the Authority
20. Funding of the Authority

**PART IV
FINANCIAL PROVISIONS**

21. Funds of the Authority
22. Power to Source Funds
23. Annual Estimate
24. Accounts of the Authority
25. Audit
26. Offences by Persons

**PART V
OFFENCES AND PENALTIES**

27. Offences by Body Corporate
28. Offences
29. Compensation

**PART VI
TRANSITIONAL AND MISCELLANEOUS PROVISIONS**

30. Approval for Development
31. Powers of the Authority
32. Pre-Action Notice
33. Limitation Law
34. Indemnity
35. Power to make Regulation
36. Savings
37. Consequential Amendment

**A LAW TO ESTABLISH THE KAFANCHAN MUNICIPAL
AUTHORITY AND FOR OTHER MATTERS
CONNECTED THEREWITH**



Kaduna State of Nigeria

Law No.11..... 2021

(1st September 2021)

Commencement

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

**PART I
PRELIMINARY**

1. This Law may be cited as the Kafanchan Municipal Authority Law, 2021. Short title
2. This Law shall come into operation on the.....1st.....day of *September* 2021. Commencement
3. In this Law, unless the context otherwise requires: Interpretation

"Arterial road" means a high-capacity urban road or highway other than the main express ways that serve as a route which connects areas within the Kafanchan Municipality;

"Auditor General" means Auditor General of the State;

"Authority" means the Kafanchan Municipal Authority;

"Board" means the Governing Board of the Authority;

"Chairman" means the Chairman of the Governing Board of the Authority and Commissioner responsible for the administration of Kafanchan Municipality;

"Connector Road" means a road, highway or freeway that connects to another highway;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999 (as amended);

"Commissioner" means the administrator of the Kafanchan Municipality, Chairman of the Governing Board, Chief Executive and Accounting Officer of the Authority;

"Departments" means functional organs of the Authority responsible to the Commissioner for execution of programmes and projects;

"Director" means the public officer appointed by the Governing Board to head any department of the Authority;

"Emergency Services" includes responding to victims of accidents and criminal incidents, curtailing fire outbreaks and coordinating public safety within Kafanchan Municipality and the provision of other emergency management functions;

"Estate Roads" means non-private roads other than arterial and connector roads, including those within public estates for use by vehicular traffic;

"Executive Council" means the Kaduna State Executive Council;

"Expressway" means a dual carriageway road that connects more than one district or Local Government within Kafanchan Municipality;

"Gazette" means the Kaduna State Official Gazette;

"Governor" means the Governor of Kaduna State;

"House of Assembly" means the Kaduna State House of Assembly;

"Kaduna Geographical Information Service" means the Agency responsible for land matters in the State;

"Kafanchan Municipality" or "Municipality" means the special administrative area described in the Schedule to this Law;

"KASUPDA" means the Kaduna State Urban Planning and Development Authority established by the Kaduna State Urban and Regional Planning Law No. 31 of 2018;

"Legislative Council" means the legislative branch of a Local Government within the State;

"Management Committee" means the Committee established to administer Kafanchan Municipality pursuant to Section 8 of this Law;

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

"Ministries, Departments and Agencies (MDAs)" include Local Government Councils and Department of any Agency of the Government in the State;

"Regulations" means any regulations or guidelines issued by the Authority under this Law;

"State" means Kaduna State of Nigeria;

"Waterways" means a river, channel or stream within the Kafanchan Municipal.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE AUTHORITY

4. (1) There is hereby established an Authority to be known as the Kafanchan Municipal Authority (referred to in this Law as the "Authority"). Establishment of the Kafanchan Municipal Authority
- (2) The Authority:
 - (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 hold and manage property or interest in property, movable or immovable that accrues to the Authority by virtue of this Law.

5. (1) As from the commencement of this Law, the powers and functions vested in various Ministries, Departments, Agencies and the Local Governments as described broadly hereunder, are delegated to be exercised by the Authority within the areas more particularly described in the Schedule to this Law:

Functions of the Authority

- (a) construction of arterial, connector and estate roads;
- (b) maintenance of all roads, street lightings, utility ducts and drains;
- (c) cleaning all roads, drains and waterways;
- (d) maintenance of gardens, open spaces, parks recreational or such other public facilities;
- (e) naming of roads and streets and numbering of buildings;
- (f) provision and maintenance of public conveniences, sewage, waste collection and refuse disposal;
- (g) establishment, maintenance and regulation of markets, motor parks and on-street parking;
- (h) control and regulation of movement and keeping of animals, pets and birds of all descriptions;
- (i) control and regulation of out-door advertising and hoarding;
- (j) control and regulation of hotels, motels, event centres and laundries;

- (k) control and regulation of shops, kiosks, restaurants, bakeries and other places for the sale of food to the public;
 - (l) licensing for the sale of liquor;
 - (m) provision of Emergency Services;
 - (n) transportation and traffic management;
- (2) In relation to any other specific function or power that may expediently be exercised by the Authority, it shall coordinate with the relevant Ministries, Departments and Agencies (MDAs) to exercise such function or power under this Law.
- (3) Exercise such other powers or perform such other duties with the approval of the Governing Board as may be expedient in order to achieve its functions as provided for under this Law.

PART III COMPOSITION OF THE GOVERNING BOARD

6. (1) There is hereby established for the Authority a Governing Board to enable the exercise of delegated powers of the Governor and Chairmen of Local Governments listed in the Schedule and described in Section 5 of this Law. Composition of the
Governing Board
- (2) The Governing Board shall consist of:
- (a) A Commissioner who shall be appointed by the Governor subject to confirmation by the House of Assembly as the Chairman;
 - (b) Chairmen of the Local Governments listed in the Schedule to this Law;

- (c) Officers not below the rank of Directors representing the following Ministries responsible for matters relating to:
 - (i) Finance;
 - (ii) Justice;
 - (iii) Local Government;
 - (iv) Planning and Budgeting.
- (d) One representative of each of the following MDAs not below the rank of a Director:
 - (i) Kaduna State Internal Revenue Service (KIDIRS);
 - (ii) Kaduna State Urban Planning and Development Authority (KASUPDA);
 - (iii) Kaduna Markets Development and Management Company Ltd;
 - (iv) Kaduna State Traffic Law Enforcement Agency (KASTLEA);
 - (v) Kaduna State Roads Agency (KADRA);
 - (vi) Kaduna State Environmental Protection Agency;
- (e) One (1) District Head from each of the Local Government Areas listed in the Schedule to this Law to be nominated by the Traditional council or Emirate subject to the approval of the Governor.

7. (1) The Commissioner shall hold office for a period of three (3) years and may be eligible for re-appointment for a further term of three (3) years only. Tenure and Cessation of office of Members
- (2) The members of the Board listed in section 6(2)(e) shall hold office for a period of three years and at the expiration of which another District Head from same Local Government but different Chiefdom or District will be appointed in line with the provision of this Law.
8. (1) There is hereby established for the Authority a Management Committee. Management Committee
- (2) The Management Committee shall consist of:
- (a) The Chairman who shall be the Chief Executive Officer of the Authority;
 - (b) Vice-Chairmen of the Local Governments within the Kafanchan Municipality;
 - (c) Such number of Directors to be appointed by the Governing Board to head the departments; and
 - (d) The Legal Adviser of the Authority.
9. (1) The Board shall meet at least once every quarter at such place and time as may be approved by the Chairman. Meetings of the Board and Management Committee
- (2) The Management Committee shall meet at least once every fortnight at such a place and time as may be approved by the Chairman.
- (3) The Chairman shall preside at every meeting of the Board and the Management Committee; and in his absence; the members present at the meeting shall appoint one of them to preside.
10. (1) The quorum at any meeting of the Board or the Management Committee shall be a simple majority of Quorum and voting

members including the Chairman.

- (2) All questions at any meeting of the Board shall be determined by a majority vote of members present. Where there is equality of votes, the Chairman or member presiding shall have a casting vote.
11. Where the Board desires to obtain advice or any special information from any person on any matter, the Board may co-opt such person as a member for a limited period, and such person shall have the rights and privileges of a member but shall not be entitled to vote on any issue or count towards a quorum. Power to co-opt
12. (1) The Board shall have power to make Standing Orders regulating its proceedings at meetings. Proceedings
- (2) The validity of the proceeding of the Board shall not be invalidated by:
- (a) vacancy in the membership of the Board;
 - (b) defect in the appointment of a member; or
 - (c) reason that a person not entitled to do so, took part in the proceedings.
13. There shall be paid to every member of the Board and the Management Committee such emoluments, allowances and benefits as the Governor may from time to time determine. Remuneration of members of the Board and Management Committee

PART IV MANAGEMENT AND STAFF OF THE AUTHORITY

14. (1) There shall be a Commissioner for the Authority who shall be appointed by the Governor, subject to confirmation by the State House of Assembly. Appointment of the Commissioner
- (2) The Commissioner shall be:
- (a) the administrator of the Municipality and the Chairman of the Board;

- (b) the Chief Executive and Accounting Officer of the Municipality;
 - (c) a person of proven competence and integrity;
 - (d) responsible for the day-to-day management of the Authority.
- (3) Executive power in the Kafanchan Municipality, conferred by the Constitution of the Federal Republic of Nigeria 1999 on the Governor of the State, is hereby delegated to the Commissioner who shall be the Chief Executive Officer of the Kafanchan Municipality.
- (4) The Commissioner shall be a member of the
 - (a) Executive Council;
 - (b) Planning and Budget Commission;
 - (c) Economic Planning Board;
 - (d) Joint Account Allocation Committee; and
 - (e) Policy Councils and Committees as may be required.
- (5) In relation to the departments as may be established from time to time, the Commissioner shall, in consultation with the Board, have the power to:
 - (a) Recommend to the Governing Board for approval and appointment of fit and proper persons to head the departments and assist the Commissioner in exercising his powers and discharging his functions under this Law;
 - (b) Determine the personnel requirements of the departments and assign transferred officers of the Public service of the State;
 - (c) Review, approve and consolidate into the budget of Kafanchan Municipality, the annual estimates

of revenue and expenditure proposed by each department for the coming fiscal year;

- (d) Review and approve the programme of activities proposed by each department for the coming fiscal year;
- (e) Authorise, with the approval of the Accountant General the opening, operation and closing of bank accounts for each department, to be operated in accordance with applicable Laws and Regulations; and
- (f) Ensure that the Directors and departments do all such things as are necessary to ensure the due and prompt execution of their assigned functions, powers and responsibilities.

(6) The Commissioner shall be paid such remuneration and allowances as may be determined by the Governor, based on the guidelines of the Revenue Mobilisation Allocation and Fiscal Commission and any applicable Law of the State.

15. (1) There shall be appointed Directors for the Authority. Directors of the Authority

(2) The Directors shall be responsible for the leadership and day-to-day administration of the departments based on the rules and regulations laid down by the Governing Board for the efficient management of the Area.

16. (1) There shall be appointed by the Governing Board a Legal Adviser to the Authority who shall be a legal practitioner with not less than ten (10) years post-call experience. Appointment of Legal Adviser

(2) The Legal Adviser shall be the Secretary of the Board and member of the Management Committee and shall be responsible for:

- (a) the performance of the legal and Secretarial functions of the Authority;

- (b) keeping the minute books and proper records of proceedings of the departments of the Authority;
- (c) conveying decisions of the Board to members;
- (d) performing all other duties affecting the Authority as may be specifically assigned to him by the Board or the Commissioner.

17. The Authority may subject to the approval of the Governor appoint such number of staff from any statutory body, the State Civil Service or Unified Local Government Service as it may deem necessary, to enable it effectively perform its functions under this Law. Staff of the Authority
18. Service in the Authority shall be approved service for the purpose of payment of pension in accordance with the State Pension Law. Pension
19. Subject to the approval of the Governing Board, the Authority shall comprise of such number of Departments as may be required to exercise its powers and discharge its duties and functions under this Law. Departments of the Authority

**PART IV
FINANCIAL PROVISIONS**

20. The Authority shall be jointly funded by the State and Local Government Areas constituting the Municipality based on a ratio of 60% by the State Government and 40% by the Local Government for the recurrent and capital expenditure of the Authority. Funding of the Authority
21. The Authority shall establish and maintain a fund which shall consist of: Funds of the Authority
- (a) such sums as may be appropriated by the House of Assembly;
 - (b) all other sums accruing to the Authority by way of grants, gifts, bequests, endowments and donations;

- (c) revenue from any investment or other property acquired by or vested in the Authority; and
 - (d) other sources approved by the Executive Council.
22. (1) The Authority shall have power to source for funds from: Power to Source Funds
- (a) local and international donor Agencies;
 - (b) gifts, bequests and endowments;
 - (c) grants and aid;
 - (d) intervention funds accruing to the Authority from the Federal Government of Nigeria;
 - (e) other sources; as may from time to time, be approved by the Executive Council.
- (2) The Authority may also borrow and issue bonds subject to the approval of the Executive Council and confirmed by a resolution of the House of Assembly.
23. The Authority shall cause to be prepared and submitted to the Executive Council, not later than 30th June of each year, an estimate of its expenditure and income for the succeeding year. Annual Estimate
24. The Authority shall cause to be kept proper books of accounts in respect of each year and proper records in relation thereto. Accounts of the Authority
25. (1) The Authority shall submit an annual report comprising audited accounts and financial statements, a report of the execution of its policies, plans and programmes for the preceding financial year to the Executive Council on or before the 31st March of each year. Audit
- (2) The Authority shall also appoint reputable External Auditors from a list of approved Auditors provided by the Auditor-General of the State who shall audit the

accounts of the Authority at the end of each financial year.

PART V OFFENCES AND PENALTIES

26. (1) If a person required to furnish information pursuant to this Law fails to furnish the information as required under this Law, he shall be guilty of an offence. Offences by Persons
- (2) If a person in purported compliance with a requirement to furnish information as aforesaid, knowingly or recklessly makes any statement which is false, he shall be guilty of an offence.
- (3) Any person who willfully obstructs, interferes with, assaults or resists any officer or servant of the Authority in the execution of his duty under this Law or who aids, incites, induces or abets any other person to do so, shall be guilty of an offence.
- (4) Any person found guilty of an offence under this Law shall be liable on conviction to a fine of not less than Three Hundred Thousand Naira only (₦300,000.00) or to imprisonment of not less than one (1) year or both.
27. Where an offence under Section 26 of this Law is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any Director, Manager, Secretary or any other official of the body corporate or any person purporting to act in such capacity, that person as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly under the provisions of Section 26(4) of this Law. Offences by Body Corporate
28. Any person including a body corporate that: Offences
- (a) Contravenes or fails to obey directions which, By this Law, he is bound to obey;

- (b) obstructs or interferes with the lawful exercise of the powers conferred upon the Commissioner by this Law;

Commits an offence and shall be liable on conviction to a fine of Five Hundred Thousand Naira only (₦500,000.00) or imprisonment for a term of not less than One (1) year or both.

PART VI
TRANSITIONAL AND MISCELLANEOUS PROVISIONS

29. Compensation payable in respect of any land comprised in Kafanchan Municipality shall be assessed and computed in accordance with the extant provisions of applicable Laws and regulations relating thereto. Compensation
30. (1) As from the commencement of this Law, no person or body shall within the Kafanchan Municipality, carry out any development within the meaning of this Law unless the written approval of KASUPDA has been obtained by such person or body. Approval for Development
- (2) The Authority shall have power to require any person who, without an approval or order made under subsection (1) of this section, proceeds with or does any work within Kafanchan Municipality to remove any such work performed and reinstate the land or, the building, in the condition in which it was before the commencement of such work, and in the event of any failure on the part of the person to comply with any requirement, the Authority shall cause the necessary work or removal to be carried out and may recover the expenses thereof from such person as a debt.
- (3) In this Section:
- “Development” means the carrying out of substantial building constituting at least 25% of the total land or build-up area, or engineering, mining or other operations in, on, over or under land or water, or the making of any material change in the use of any land or buildings thereon or of any stretch of water whatsoever.

31. (1) For the purpose of the efficient discharge of the responsibilities of the Authority under this Law, the Commissioner or any other officer or servant of the Authority authorised in that behalf:

Powers of the Authority

- (a) shall have a right of access at all reasonable times, between 6am and 7pm daily, to any land or building within Kafanchan Municipality for the purpose of ascertaining that the provisions of this Law are not being contravened;
- (b) may issue a notice calling upon any person whom he has reason to believe is able to give any information in respect of the ownership, possession or the boundaries of land within Kafanchan Municipality or any part thereof, or in whose possession or power any document relating to any such matter is alleged to be, to appear before him and give such information or produce such document on a date and at a place mentioned in the notice;
- (c) may by notice in writing served on any person carrying on an industrial, commercial, educational or any other undertaking whatsoever, require that person to furnish in such form as he may direct, information on such matters as may be specified by him.

(2) Any person required to furnish information pursuant to subsection (1) of this section, shall within One month from the date of the notice comply with the notice.

32. (1) No suit shall be commenced against the Authority before the expiration of 30 days following the service of written notice of intention to commence the suit on the Authority.

Pre-Action Notice

(2) The notice referred to in subsection (1) and any summons, notice or other document required or authorised to be served on the Commissioner in connection with any suit by or against the Commissioner, shall be served by delivering same to, or

by sending it by registered post addressed to the Commissioner at the principal office of the Commissioner.

PROVIDED that the Court may with regard to any particular suit or documents, order such service on the Commissioner to be effected otherwise, and in that case service shall be effected in accordance with the terms of such order.

33. When any suit is commenced against the Authority for any act done in pursuance or execution or intended execution of any Law or of any public duty or authority or in respect of any alleged neglect or default in the execution of any such Law, duty or authority, such suit shall not lie or be instituted unless it is commenced within One (1) year after the act, neglect or default complained of, or in case of a continuance of damage or injury within One (1) year after the ceasing thereof. Limitation Law
34. An officer of the Authority shall not be liable for any default done in good faith and in the course of the performance of his duty. Indemnity
35. The Authority may with the approval of the Governing Board make rules and regulations as may be considered necessary for the effective discharge of its functions under this Law. Power to Regulation make
36. All laws previously applicable in the State and all bye-laws made by the Local Government councils within Kafanchan Municipality shall continue to have effect as if they had been made specifically for the said Municipality. Savings
37. The following Laws are hereby consequentially amended by this Law: Consequential Amendments
- (1) Planning and Budget Commission Law, (sections amended as relating to the Authority);
 - (2) Joint Account Allocation Committee Law, (sections amended as relating to the Authority);
 - (3) Local Government (Administration) Law, (sections amended as relating to the Local Government Areas of the Authority).

SCHEDULE

Section 5

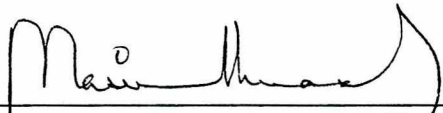
2. KAFANCHAN MUNICIPALITY

- (1) All that pieces of land measuring 20,939.48 (51,742.50Acres) at Urban Designated Areas of Kafanchan is now preseved and henceforth be referred to as Kafanchan Municipality. Starting from G 0573 G (417118.13mE, 1053529.53mN) and G 0574 (417231.92mE, 1056604.69mN), G 0575 G (416567.92mE,1057959.31mN), G 0576 G (417454.44mE 1062383.05mN), G 0577 G(419846.41mE, 1064520.37mN), G 0578 G (421646.82mE, 1067961.65mN), G 0579 G (423939.21mE, 1067736.58mN) then goes to G 0580 G (425377.45mE, 1069864.91mN) and then goes to G 0581 G (426182.31mE, 1069594.16mN), G 0582 G (427118.94mE, 1069594.16mN), G 0583 G (426367mE,1066096.4mN) G 0584 G (427221.63mE, 1065516.86mN), G 0585 G(427255.47mE,1065462.38mN), G 0586 G (427496.37mE, 1063928.22mN), G 0587 G (430374.31mE,1063508.18mN), G 0588 G (433232.29mE, 1064044.82mN), G 0589 G (434204.71mE,1062619.93mN), G 0590 G (433975.26mE, 1062316.36mN)and then goes to G 0591 G (434805.86mE, 1060863.07mN) on Akpam Hill and goes on top of the Hill through G 0592 G(434422.22mE, 1060694.59mN), G 0593 G (433870.8mE, 1059748.17mN), G 0594 G(433770.72mE, 1058262.02mN) G 0595 G (433770.72mE, 1058262.02mN), G 0596 G (434506.15mE,1054806.63mN), G 0597 G(433753.77mE, 1055187.10mN) and then to G 0598 G (431540.77mE, 1055344.48mN) and then goes to G 0599 G (428894.64mE, 1054806.63mN),G 0600 G(428706.56mE, 1052496.88mN), G 0601 G (424498.39nE, 1051595.13mN) G 0602 G (418976.04mE, 1052595.64mN) on the Bank of a Stream and then pass across the Stream to G 0573 G (417118.13mE, 1053529.53mN).
- (2) All the Coordinates provided are on Zone 32 North, UTM Minna Datum.

3. KAFANCHAN MUNICIPALITY LOCAL GOVERNMENT AREAS

1. Jema'a
2. Kaura
3. Zangon Kataf

DATED AT KADUNA this^{30th}..... day of*August*..... 2021



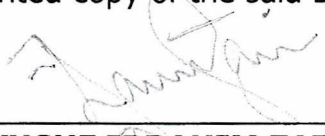
Malam Nasir Ahmad El-Rufa'i, OFR
Governor of Kaduna State

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 Kafanchan Municipality Authority for the central management of physical facilities and coordination of the delivery of social services for the Municipality and other matters in connection therewith.

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.



RT. HON. YUSUF IBRAHIM ZAILANI
(Speaker)



BELLO ZUBAIRU IDRIS Esq
(Clerk to the Legislature)