

CHAPTER K20 - KWARA STATE GOVERNMENT STAFF PENSION BOARD LAW

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KWARA STATE GOVERNMENT STAFF PENSION BOARD LAW

[No. 4 of 2006.]

A Law to establish a body for the administration of pension matters—

[No. 5 of 1999.]

[Date of commencement: *25th May*, 1999]

1. Short title

This Law may be cited as the Kwara State Government Staff Pension Board Law 1999.

2. Interpretation

In this Law, unless the context otherwise requires—

"**Board**" means the Kwara State Government Staff Pension Board established under section 3 of this Law;

[No. 4 of 2006.]

"**Governor**" means the Governor of the State;

"**Member**" means a member of the Board; and

"**the State**" means Kwara State of Nigeria.

3. Establishment of the Board

(1) There is hereby established a Board to be known as the Kwara State Government Staff Pension Board (hereinafter referred to as "the Board").

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to sue or be sued in its corporate name and to acquire, hold and dispose of movable or immovable property for the purpose of its functions under this Law.

4. Composition of the Board

(1) The Board shall consist of the following members—

- (a) a chairman and three other members who shall be pensioners and who shall be appointed on part time basis;
- (b) a representative of each of the following—
 - (i) the Head of Service;
 - (ii) the Attorney-General and Commissioner for Justice;
 - (iii) the Accountant-General;
 - (iv) the Auditor-General; and
- (c) the Executive Secretary who shall be the accounting officer of the Board.

(2) The chairman and members shall be appointed by the Governor.

5. Proceeding

No act or other proceedings of the Board shall be invalidated by reason of any vacancy among its members or by reason of any defect in the appointment of a member.

6. Functions of the Board

The functions and powers of the Board shall include—

(a) the establishment of a pension fund for State Government staff;

(b) making arrangement for the collection of contribution to the pension fund, and accounting for and payment of benefits therefrom;

(c) receiving all funds which may from time to time be appropriated by the Government of the State for the purpose of this Law and to apply such funds in accordance with the terms and conditions which may be attached to the grant thereof and in accordance with the provisions of this Law;

(d) receiving all other moneys which may be obtained by or given to the Board or derived from any other source and to apply such moneys exclusively in furtherance of the purpose of this Law and in accordance with any terms and conditions upon which such moneys may be obtained, given or derived;

(e) approving the rules and procedure for dealing with applications for payments from the fund;

(f) approving applications for grant of retirement benefits after certification by the State Director of Audit;

(g) reviewing the cash position of the fund and directing investments as may be necessary in order to maximise the yield of the fund subject to approval of the Head of Service;

- (h) authorising loan to or from the fund;
- (i) authorising any administrative expenses considered necessary for the efficient administration of the funds on the basis of approved estimates by the State Government;
- (j) ensuring that the payment of contributions into the fund by the State Government is made by way of deductions at source;
- (k) ensuring that the utilisation of the fund shall be limited to retiring benefits of staff and officers of the State Government service such that the awards and payments under the pension fund shall be in accordance with the Pension Act and conditions consistent with the existing national policy on pensions and gratuities;
- (l) ensuring that special and early attention is paid to record keeping and check-off system;
- m) fixing of effective data base in respect of serving and retired State Government staff;
- (n) submission of annual report and annual financial statement.

7. Payment of allowances to members of the Board

There shall be paid to each member (not being an *ex officio* member) such allowances as the office of the Head of Service shall determine.

8. Executive Secretary to the Board

(1) There shall be an Executive Secretary to the Board who shall be an officer deployed from the State Civil Service and who shall have such qualifications and experience as are appropriate for a person required to

perform the functions of his office by virtue of this Law.

[No. 4 of 2006.]

(2) The Executive Secretary shall perform such functions as may from time to time be assigned to him by the Board.

[No. 4 of 2006.]

(3) The Board may have such other officers deployed to it to assist the Executive Secretary in the exercise of his functions under this Law.

[No. 4 of 2006.]

9. Co-option of members

Where upon any special occasion, the Board desires to obtain the advise of any person on any matter, the Board may co-opt such a person to be a member for such meetings as may be required and such person shall, while so co-opted, have all the rights and privileges of a member save that he shall not be entitled to vote upon any question.

10. Annual report

The Board shall not later than 28th February of any year following, submit to the Head of service an annual report of its operations and activities including the audited statement of account for the preceeding year ending 31st December.

11. Loans

The Board shall in the exercise of its power to grant loans be subject to the directives, procedures, terms, and conditions as may be determined by the Head of Service.

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12. Bank account

Bank accounts shall be kept for the purposes of the performance of the functions of the Board.

13. Power to borrow money

The Board may with the approval of the Governor, borrow such sums required by it for meeting any obligations or discharging any of its functions under this Law.

14. Execution of documents

(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Board by any staff of the Board who is so authorised.

(2) The affixing of the seal of the Board shall be authenticated by the signature of the Chairman or in his absence, the Executive Secretary, or some other person authorised generally or specifically by the Board to act for the purpose.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall until the contrary is proved, be deemed to be so executed.

15. Signification and execution of powers of the Board

Anything required to be done by the Board under this Law in relation to its powers and duties, may be signified under the hand of the Chairman or in

his absence, the Executive Secretary.

16. Standing orders

The Board may make standing orders for the purpose of regulating its own proceedings.

17. Supervision of the Head of Service

The Board shall be under the supervision of the Office of the Head of Service of the State.

[No. 4 of 2006.]

18. Power of Governor or Head of Service to make regulations

The Governor or the Head of Service may make regulations providing for any matter for which provision appears to him to be necessary for the purpose of giving effect to the provisions of this Law.

CHAPTER K20

KWARA STATE GOVERNMENT STAFF PENSION BOARD LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
