

CHAPTER K11 - KWARA STATE COMMUNITY-BASED POVERTY REDUCTION PROJECT LAW

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SCHEDULE

Supplementary Provisions Relating to the Board

KWARA STATE COMMUNITY-BASED POVERTY REDUCTION PROJECT LAW

**A Law to make provisions for the establishment of Kwara State Community-Based Poverty
Reduction Project and for other matters connected therewith.**

[No. 9 of 2004.]

[Date of commencement: 18th October, 2004]

PART I

Establishment and Incorporation of the Project

1. Establishment of the Project

There is hereby established for the State, a body to be known as the Kwara State Community-Based Poverty Reduction Project (hereinafter referred to as "the Project.")

2. Incorporation of the Project

The Project shall—

- (a) be a body corporate, with perpetual succession, having a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of property, movable

and immovable for the purpose of carrying out its functions under this Law.

3. Autonomy and co-ordinating resource base of the Project

- (1) The Project shall operate as an autonomous body, exempted from undue interference of the Civil Service bureaucracy.
- (2) The Project shall be the administrative/finance organ to serve as a co-ordinating resource base for small-scale or micro-project funding in poor communities.

PART II

Objectives, Functions and Powers of the Project

4. Objectives of the Project

- (1) The objectives of the Project shall be to—
 - (a) improve the socio-economic conditions of the population at the grassroot level through the provision of small-scale economic infrastructures to poor communities;
 - (b) promote participatory community-driven approach to poverty reduction;
 - (c) encourage and increase the capacities of communities to participate in poverty reduction projects; and
 - (d) ensure the sustainability of community participation in such projects even after their completion.
- (2) For the purpose of achieving the objectives set out in subsection (1) of this Section and carrying out its functions under this Law, the Project shall establish two units—
 - (a) Operations; and
 - (b) Outreach/Management Information Services.

5. Functions of the Project

The functions of the Project shall be as follows—

- (a) formulate policies and utilize strategies for the effective implementation of programmes geared towards poverty reduction in the State;
- (b) appraise applications received on projects against eligibility criteria spelt out in the operational manual to determine those projects to support, reject or defer;
- (c) disburse funds provided to it by the donors in support of poverty reduction to the beneficiary communities;
- (d) educate, carry out public enlightenment and mobilisation of communities towards poverty reduction;

- (e) render advisory services and support to local communities, government, individuals and organisations in project implementation and management where necessary;
- (f) carry out research studies and capacity building programmes aimed at improving the performance impact of the fund;
- (g) prepare and submit to the Government a consolidated annual budget and work plans of the fund and submit quarterly reports on the financial expenditures and physical progress of projects, outreach and management services;
- (h) supervise, monitor and evaluate implementation of poverty reduction programmes in the State;
- (i) ensure that regular progress reports are submitted to the Executive Governor through the appropriate authorities;
- (j) ensure annual auditing of account;
- (k) liaise with State Ministries, departments, local governments, statutory bodies, research agencies, organizations and communities to ensure effective implementation of the project;
- (l) initiate appropriate policy action on the impact and measures aimed at combating poverty in the State; and
- (m) perform any other functions as may be assigned to the Project by the Government and such other activities that are relevant and conducive to the discharge of its functions under this Law.

6. Powers of the Project

Subject to the provisions of this Law, the Project shall for the purpose of carrying out its functions under this Law have power to carry out all activities which are necessary and advantageous for the improvement of the living conditions of the poor through speedy provision of basic economic and social services.

7. Aims of the Project

The aim of the Project shall be to promote development by assisting in all ramifications in

the reduction of poverty among the poor in the State with a view to improving the standard of living through viable programmes on poverty reduction.

PART III

Establishment of the Governing Board, Composition and its Functions

8. Establishment of the Governing Board of the Project and its composition

(1) There is hereby established for the Project a Governing Board, (in this Law referred to as "the Board") which shall ensure that the Project operates within the provisions of its functions and mandate as provided in Part II of this Law.

(2) The Governing Board shall consist of the following—

(a) a part-time Chairman, who shall be appointed from the private sector or civil society, who shall have experience in the management of development assistance programme and be ready to offer selfless service;

(b) one representative each from two non-governmental organizations, one of which must be a woman organization;

(c) one representative of a finance institution;

(d) the Permanent Secretary from each of the following—

(i) Kwara State Planning Commission;

(ii) Ministry of Finance;

(iii) Ministry of Local Government and Chieftancy Affairs; and

(e) the General Manager who shall be the Secretary of the Project.

9. Appointment of members

Members of the Board shall—

(a) be appointed by the Governor; and

(b) be persons of proven integrity.

10. Tenure of office of members

Members shall hold office for a period of four years in the first instance and shall be eligible for re-appointment for another term of four years.

11. Allowances of members

The expenses of the Board consisting of accommodations, sitting and traveling allowances

for Board meetings shall be between N300,000.00 and N500,000.00 annually irrespective of the number of meetings held per year.

12. Schedule

The supplementary provisions set out in the schedule to this Law shall have effect with respect to the proceedings of the Board and the other matters contained thereto.

13. Resignation, removal and cessation of membership of the Board

A member shall cease to hold office if he—

- (a) resigns his appointment by a letter addressed to the Governor and upon the receipt by the Governor of the letter of resignation the appointment shall cease;
- (b) is removed by the Governor on ground of misconduct or incapacity as a result of ill health or inability to discharge the functions of his office;
- (c) becomes bankrupt, suspends payment or compounds with his creditors;
- (d) is convicted of a felony or any offence involving dishonesty or fraud; or
- (e) becomes of unsound mind.

14. Functions of the Board

The Board shall perform the following functions—

- (a) provide overall policy guidance in the management of the Project;
- (b) provide direction and guidance in the interpretation of Government sectoral policies;
- (c) approve annual work plans/budget of the Project;
- (d) review the work programme, progress reports, audits and evaluations;
- (e) ensure appropriate monitoring of project implementation;
- (f) approve the organizational chart and terms of reference for senior staff;
- (g) ensure that relevant reports are submitted to the Government, National Planning Commission and Donor Agencies as and when due; and
- (h) do such other things as are necessary and expedient.

PART IV

Administrative Organization of the Project

15. Appointment of General Manager

- (1) There shall be appointed for the Project a General Manager who shall be recruited through an open competitive selection process by a team of technical experts based on criteria of high integrity, capacity, extensive private or public sector experience and subject to acceptance by the Donor Agencies.

- (2) The appointment shall be subject to the approval of the Governor.
- (3) If the candidate appointed is from the public sector, he shall be required to resign his appointment.
- (4) The General Manager shall hold office for a term of four years in the first instance and such appointment shall be subject to renewal for another term of four years.
- (5) He shall hold office on such conditions as to emolument, conditions of service as may be specified in his instrument of appointment.
- (6) The General Manager shall be the Chief Executive and the Accounting Officer of the Project.

16. Duties of the General Manager

(1) The General Manager shall—

- (a) be responsible for carrying out the day to day administration of the Project;
- (b) exercise the powers and functions of the Project;
- (c) authorize expenditure in accordance with the approved work plan and annual budget of the Project;
- (d) represent the Project in all dealings with third parties;
- (e) liaise with donors and others capable of providing complementary, technical, administrative and financial resources to the Project to support the project;
- (f) coordinate all the Project's activities including the work plan and the annual budget and ensure the maintenance of accurate accounting records;
- (g) give provisional approval for proposal of projects recommended by the Management Committee of the Project;
- (h) be the Chairman of the Project's Management Committee;
- (i) delegate authority to staff of the Project to the extent necessary for the efficient, performance of the functions of the Project;

(j) liaise with local government and state agencies for consistency with sectorial policies; and

(k) perform such other duties as may be required for the effective functioning of the Project.

(2) All actions taken by the General Manager with regards to policy issues about the Project are subject to ratification by the Board.

17. Conditions of service of General Manager

(1) Power to determine the terms and conditions of service of the General Manager as to remuneration or otherwise shall vest in the Board in consultation with the Government and Donor Agencies.

(2) Power to exercise disciplinary control over the General Manager shall be vested in the Board in consultation with the Government and the Donor Agencies.

PART V

Financial Provisions

18. Sources of funds of the Project

(1) The Project shall operate a transparent financial management system with an efficient disbursement procedure.

(2) The sources of funds of the Project shall consist of—

(a) grant or credit to the Project by the Federal Government;

(b) counterpart contribution of not less than 10% by the State Government to the Project as running expenses;

(c) contributions from other Donor Agencies, corporate bodies and individuals;

(d) sums received from donations, subventions, grants and endowments;

(e) all sums or property which may in any manner become payable to or vested in the Project in respect of any matter arising out of or incidental to its functions; and

(f) all other sums accruing to the Project from other sources.

19. Application of funds

All funds received by the Project shall be applied in accordance with the conditions attached to the releases and shall follow the provisions contained in the financial/management/disbursement/procurement manual to ensure transparency and accountability.

20. Account

(1) The Project shall maintain proper and appropriate system of accounts for the purpose of ensuing proper accountability.

(2) It shall prepare in respect of each financial year, necessary statements of accounts in such forms as may be appropriate on the advice of the Donor Agencies.

21. Auditing of account of the Project

(1) There shall be an annual audit of the Project's accounts by external auditors as may be appointed by the Board with the advice of the State Auditor-General and the Donor Agencies.

(2) As soon as the accounts have been audited as provided for by subsection (1) of this section, the Project shall forward to the appropriate authorities, and to any relevant donor/stakeholders a copy of income and expenditure account and other accounts as needed (e.g. special accounts, SOE's, etc.) and the balance sheet together with the report of the auditors therein in line with the funding agreement.

22. Gifts to the Project

(1) The Project may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Project shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Project under this Law.

23. Power to borrow money

The Project may with the consent of the Governor borrow, on such terms and conditions as the Project may determine such sums of money as the Project may require in the exercise of its functions under this Law.

PART VI

Miscellaneous

24. Operational procedures and guidelines

- (1) There shall be operational procedures and guidelines for the Project.
- (2) The operations, financial management procedures manual, procurement procedure manual and condition of service handbook shall form part of this Law.

25. Report

The Project shall normally at the end of each year make a report of the Project's achievements and activities available to the Government, Donor Agencies and appropriate reports as expected by other stakeholders.

26. Training programmes

For purpose of enhancing its services under this Law, the Project may—

- (a) establish and promote training programmes for its staff and members of the communities and other stakeholders in order to build their capacities (e.g. NGO's, CBO's, etc.); and
- (b) collect and make available through publications and other means basic scientific data and other information on poverty.

27. Advisory Committee

The Project may establish an Advisory Committee which shall be made up of not less than three outstanding professionals with relevant specialization. The advisory committee may be composed of administrative, technical or other experts, as the Project may consider useful or appropriate.

28. Limitation of suits against the Project, etc.

Subject to the provisions of this Law, the provisions of the Public Officers Protection Law shall apply in relation to any suit instituted against an officer or employee of the Project.

[Cap. P15.]

29. Service of documents

A notice, summons or other documents required or authorized to be served upon the Project under the provisions of this Law or any other enactment or Law may be served by delivering it to the General Manager or by sending it by registered post addressed to the general manager or any of the principal officers of the Project.

30. Protection

No member or employee of the Project shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Project.

31. Power to make rules and regulations

The Board may with the approval of the Governor make rules and regulations for the purpose of this Law.

32. Interpretation

In this Law, unless the context otherwise requires the following words and expressions shall have the meanings assigned to them hereunder—

"Board" means Kwara State Community-Based Poverty Reduction Governing Board established by section 8 (1) of this Law;

"Chairman" means the Chairman of the Board appointed under section 8 (2) (a) of this Law;

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

"demand-driven approach" means that the beneficiary community proposes and selects desired projects;

"donor" means a country, organization of individual making contribution to the Project;

"Financial Management Procurement and Disbursement Manual" means a reference handbook to guide the operations of the financial system and procurement during project implementation;

"functions" includes duties;

"General Manager" means the General Manager/Chief Executive of the Project provided for in Section 15 of this Law;

"Governor" means the Executive Governor of Kwara State of Nigeria;

"Governor's office" means the office of the Secretary to the State Government;

"Government" means Kwara State Government;

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

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

"**N.P.C.**" means National Planning Commission;

"**operations manual**" means a reference handbook to guide the implementation of the project;

"**Project**" means the Kwara State Community-Based Poverty Reduction Project established by Section 1 of this Law;

"**project**" means a piece of work or activities that is organized carefully and designed to improve the living conditions of the poor;

"**social funds**" means pool of resources from which the project can be financed;

"**S.P.C.**" means Kwara State Planning Commission;

"**stakeholder**" means a person or organization that has shares and interest in the Project;

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

33. Citation

This Law may be cited as the Kwara State Community-Based Poverty Reduction Project Law, 2004.

SCHEDULE

[Section 12.]

Supplementary Provisions Relating to the Board

1. Meetings

The Board shall hold such meetings as may be necessary for the fulfillment of its functions at such time, place and on such day as the Chairman may appoint but shall meet not more than four times in a year.

2. Procedure at meetings

At a meeting of the Board—

- (a) the Chairman shall if present be Chairman of the meeting; and
- (b) if the Chairman is absent the members present at the meeting shall appoint one of their number to preside.

3. Voting

Every question at a meeting of the Board shall be determined by a majority of the votes of members present voting on the question and in the event of an equal decision of votes the Chairman of the meeting shall have a casting vote.

4. Special meeting

Any five members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

5. Power to regulate proceedings

The Board shall have power to regulate its proceedings and may make standing order for that purpose and subject to any such standing order and to paragraph 6 of this schedule may function notwithstanding—

- (a) any vacancy in its membership or absence of any member;
- (b) any defect in the appointment of a member; or
- (c) that a person not entitled to do so took part in its proceedings.

6. Quorum

The quorum of any meeting of the Board shall be the Chairman (or anyone standing in for him) and four other members.

7. Power to co-opt

(1) Where upon a special occasion the Board decides to obtain the advice of any person on any particular matter the Board may co-opt such a person as a member for such meeting as may be required.

(2) Such co-opted members shall not be entitled to vote nor shall he count towards a quorum.

8. The common seal of the Project

(1) The Project shall as soon as may be after its establishment provide itself with a common seal.

(2) The form of the common seal shall be determined and authenticated by the Board and shall have the signature of the General Manager of the Project.

(3) The common seal shall be in the custody of the General Manager.

(4) Judicial notice shall be taken of the common seal of the Project and every document purporting to be an instrument made by the Project and to be authenticated in accordance with this Law shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

9. Appointment of committees

(1) The Board may appoint committees (inclusive of standing and ad hoc committees) to advise it or take other actions on any matter which the Project may participate in or for other purposes whether general or special relating to the functions of the Project which in the opinion of the Board would be better regulated or managed by means of a committee.

(2) Committees appointed under this paragraph shall—

(a) consist of such number of persons (not necessarily members of the Boards as may be determined by the Board) and a person other than a member of the Board shall hold office on the committee in accordance with the terms of his appointment; and

(b) be presided over by a member of the Board.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.

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

(5) Subject to the provisions of this Law the committee may make standing orders for the purposes of regulating its own proceedings.

10. Relating through Governor's Office

The Board shall relate with the Government through the Governor's Office.

CHAPTER K11

**KWARA STATE COMMUNITY-BASED POVERTY
REDUCTION PROJECT LAW**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
