

CHAPTER K54 - KWARA STATE TRANSPORT CORPORATION LAW

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KWARA STATE TRANSPORT CORPORATION LAW

A Law to establish a transport corporation for Kwara State.

[KWS 2 of 1989, No. 4 of 2006.]

[Date of commencement: 11 *th* February, 1988]

1. Citation

This Law may be cited as the Kwara State Transport Corporation Law.

2. Interpretation

In this Law—

"Commissioner" means the State Commissioner charged with responsibility of Ministry of Works and Transport;

[No. 4 of 2006.]

"Corporation" means the Kwara State Transport Corporation, established by section 3 of this Law;

"financial year" means every period of twelve months, terminating on the 31st day of December;

"functions" include powers and duties;

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

"Member" in relation to the Board includes the Chairman;

"the Board" means the Governing Board of the Corporation established by section 5 of this Law;

"the Chairman" means the Chairman of the Board;

"the General Manager" means the General Manager of the Corporation;

"the State" means the Kwara State of Nigeria

3. Establishment of the Kwara State Transport Corporation

There is hereby established a body to be known as the Kwara State Transport Corporation which shall be a body corporate having perpetual succession and a common seal, and may sue or be sued in its corporate name, with power to acquire and hold any movable and immovable property and to sell, lease, mortgage or otherwise deal with any such property.

4. Functions and powers of the Corporation

(1) The functions of the Corporation shall be to establish, operate and co-ordinate effectively and efficiently all forms of motor transportation services; transportation of passengers or goods within and outside the State.

(2) For the discharge of the functions outlined under subsection (1) of this section, the Corporation shall have power to—

- (a) set up, organise and control all establishments including stations, buildings, depots, offices, garages, service work-shops, necessary for the discharge of its functions under this Law;
- (b) acquire the right type of transport vehicles, fittings, equipment and spare parts;
- (c) service and maintain its transport vehicles and facilities;
- (d) ensure for its supply of skilled manpower, the right type of training for its employees which shall include in-service training, on the job training, technical assistance training, courses related to its functions; and
- (e) enter into any contract necessary for the performance of any of its functions.

5. The Board

(1) There is hereby established a Board to be known as the Kwara State Transport Corporation Board.

(2) The Board shall be the governing body of the Corporation and shall in that capacity—

- (a) exercise all the functions and powers of the Corporation;
- (b) carry out all acts or things which the Corporation is, by this Law, or may, by any other law, be required to carry out; and
- (c) establish the general policies of the Corporation.

6. Insurance

The Board shall insure all the vehicles and other insurable properties of the Corporation with any reputable Insurance Company.

[No. 4 of 2006.]

7. Composition of the Board

(1) The Board shall consist of not less than five and not more than seven members to be appointed by the Governor and shall include—

- (a) the General Manager of the Corporation;
- (b) a representative each of the following ministries namely—
 - (i) Works and Transport;
 - (ii) the Governor's Office.

[No. 4 of 2006.]

(1) The Governor shall nominate one of the members to be the Chairman of the

Board.

(2)

8. Tenure of Office

Members of the Board shall hold office at the pleasure of the Governor.

9. Remuneration of Chairman and Members

The Corporation may pay to the Chairman and members of the Board such remuneration and other allowances as the Governor may in his discretion from time to time determine in respect of any periods of time spent by the members on the business of the Board.

10. Resignation

A member may in writing under his hand resign his appointment addressed to the Governor and upon receipt of such resignation by the Governor the appointment of such member shall be terminated.

11. Meetings of the Board

(1) The Board shall hold meetings as and when the need arises provided that there shall be at least four meetings of the Board in any one year.

(2) All meetings of the Board shall be summoned at the direction of the Chairman, or at the request in writing of at least three members of the Board, excluding the Chairman.

(3) Every meeting of the Board shall be presided by the Chairman, or if the Chairman is unable to attend any particular meeting, any member elected by those present shall preside.

(4) At any meeting of the Board, not less than half of the members of the Board shall form a quorum.

(5) The Board may make standing orders regulating the conduct of its meetings or of any of its committees.

12. Validity of proceedings

The validity of any proceedings of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member.

13. Authentication of documents

The affixing of the seal of the Corporation shall be authenticated by the signature of either the Chairman or the General Manager of the Corporation authorised, generally or specifically by the Board to act in its stead for the purpose.

14. General Manager

The Board shall subject to the approval of the Governor, appoint a professionally qualified automobile or mechanical Engineer with adequate experience and good record of performance in the transport industry to be the General Manager.

15. Functions of General Manager

The General Manager who shall be the Chief Executive of the Corporation shall—

- (a) be responsible for carrying out the policy and decisions of the Board;
- (b) manage all the business and preserve all the property of the Corporation;
- (c) define and assign responsibilities to the Staff;
- (d) set up a staff management committee of the Corporation which shall assist him in the selection of members of the intermediate, middle management and the junior staff of the Corporation, subject to approval or ratification by the Board as the case may be;
- (e) submit to the Board monthly progress reports, quarterly profit and lost statements, and half yearly balance sheets.

16. The appointment of a Secretary

Subject to the approval of the Governor, the Board shall appoint a fit and proper person to be the Secretary of the Corporation and it shall be the duty of the person so appointed, to conduct correspondence matters of the Board, keep the records of the Board, take records of the proceedings of the Board; take charge of and keep the seal of the Corporation and perform such other duties as the Board or the General Manager may from time to time direct.

17. Power to engage Staff

The Board may—

- (a) from time to time, appoint such officers upon such salaries, terms and conditions as may be necessary for the proper and efficient conduct of the operation of the Corporation;
- (b) provide for the establishment and operation of a pension scheme for its officers similar to that which obtains from time to time in the civil service of the State.

18. Regular Service

The Corporation shall as much as possible maintain regular transport services on routes and places which shall be approved by the Board.

19. Reasonable fares and freights

In the exercise of its functions under this Law, the Board shall as much as is practicable ensure that reasonable charges, fares or freights are levied for its services.

20. Rate of charges for service

The rate of charges fixed by the Corporation for its services shall be such as to ensure that the revenue derived every financial year from such services together with its revenue for that year from other sources will be sufficient as nearly as may be to meet—

- (a) the operating cost of the Corporation including any payment that the Corporation may make in respect of interest on, or repayment of any sum borrowed by the Corporation;

(b) any sums that the Corporation may deem proper to set aside in that year for general reserve, extensions, depreciations, loans or other like purposes.

21. Funds of the Corporation

The funds and resources of the Corporation shall include—

- (a) all sums, investments or other property whatsoever vested in the Corporation by the provisions of this Law;
- (b) any investment, grants, or loans, funds from the state financial and banking institutions, companies, corporations, individuals or other investors;
- (c) any sum earned or arising from any property acquired by, or vested in the Corporation;
- (d) all other sums (including transport charges) or other property whatsoever which may in any way become payable to or vested in the Corporation in respect of its functions or of any matter incidental thereto, under this Law or by virtue of the provisions of any other law.

22. Power to borrow

The Corporation may with the written approval of the Commissioner borrow such sums as are required to meet its obligations in discharging any of the Corporation's functions; and may with the like approval, charge, mortgage, or otherwise deal with any of its assets for the purpose of securing any money borrowed by the Corporation.

23. Guarantee by Government of loan to the Corporation

The Government may guarantee in such manner and on such conditions as it may think fit, the payment of the principal and interest on any money borrowed by the Corporation under section 22 of this Law.

24. Accounts

(1) The Corporation shall keep proper accounts and proper records in relation thereto and such accounts shall be audited as provided in subsection (2) of this section.

(2) The accounts of the Corporation shall be audited as soon as may be after the end of each financial year by auditors appointed by the Board from and in accordance with the guidelines supplied by the Auditor-General of the State.

[No. 4 of 2006.]

25. Reports to Governor and the Public Accounts Committee

At the end of each financial year, the Corporation shall forward to the Governor a full report of its operations during the immediately preceding year together with a certified copy of the audited accounts of the Corporation and auditor's comments thereon.

26. Appropriation of profits

The Corporation shall obtain approval of the Board before appropriating any of its profits.

27. Investments

Money standing to the credit of the Corporation may, with the approval of the Board from time to time be invested in good securities, and the Corporation may with like approval from time to time dispose of any or all of such securities.

28. Payment into the consolidated fund

At the end of each financial year, the Corporation shall pay into the Consolidated Revenue Fund of the State such sum as the Governor may determine.

29. Power of the Governor to make regulations

(1) Notwithstanding anything to the contrary contained in this Law, the Governor shall have power whenever it is considered necessary in the interest of the Corporation to make regulations—

- (a) for securing the due performance of duty imposed and the effective exercise of any power conferred upon the Corporation by or under the provisions of this Law;
- (b) for ensuring the proper and efficient organisation, administration, management, maintenance or use of any facilities or services of any description provided by or at the expense of the Corporation;
- (c) relating to such matters as in his opinion are necessary for the proper execution of the provisions of this Law;
- (d) prescribing penalties, including terms of imprisonment, for the infringement of any provisions of such regulations;
- (e) for the discipline and control of the staff.

(1) Subject to the provisions of subsection (1) of this section, the Board may make standing orders regulating the operations of the Corporation.

CHAPTER K54

KWARA STATE TRANSPORT CORPORATION LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
