

CHAPTER 47 - EDUCATION ENDOWMENT FUND BOARD OF TRUSTEES

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CHAPTER 47 – EDUCATION ENDOWMENT FUND BOARD OF TRUSTEES*

A LAW TO ESTABLISH TRUSTEES TO ADMINISTER THE FUNDS OF THE EDUCATION
ENDOWMENT FUND

[31 December 1991]

PART I—PRELIMINARY

1. This Law may be cited as the Adamawa State Education Endowment Fund Board of Trustees Law.

2. In this Law, unless the context otherwise requires:–

"Conference" means the Adamawa Conference established by section 3 of the Adamawa Conference;

"financial year" means a period of twelve months commencing on 1st January;

"State" means Adamawa State of Nigeria.

PART II—ESTABLISHMENT OF THE STATE EDUCATION ENDOWMENT FUND BOARD OF TRUSTEES

3.—(1) Pursuant to subsection (3) of section 5 of the Adamawa Conference Law and for the purpose of the administration of moneys realised from the launching of the Adamawa State Education Endowment Fund on 21st December 1991 in Yola, there is hereby established in the State a body to be known as the Adamawa State Education Endowment Fund Board of Trustees, in this Law referred to as "the Board".

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

* Not applicable in Taraba State unless formally adopted in Taraba.

(3) The Board shall have power, for the discharge of any of its functions under this Law, to acquire and hold any movable or immovable property and to dispose of such property and to enter into any contract or other transaction.

(4) Where there is any hindrance to the acquisition of any property under subsection (3) of this section, the property may be acquired for the Board under the Land Use Act.

4.—(1) The Board shall consist of a Chairman and ten other members who have contributed to the well-being of the members of the community in the State both at the State and local levels.

(2) All members of the Board shall be appointed by the Conference.

5.—(1) No person shall be qualified to be a member of the Board who:–

(a) is not an indigene of the State;

(b) has been adjudged or otherwise declared:–

(i) bankrupt under any law in force in Nigeria and has not been discharged;

- (ii) to be of unsound mind;
- (c) is detained as a lunatic under any law for the time being in force in Nigeria;
- (d) has been convicted for an offence involving the security of the State, fraud, dishonesty or moral turpitude and has not been granted a free pardon;
- (e) has been found by the report of a Commission or a Committee of Inquiry to be incompetent to hold public office or in respect of whom a Commission or a Committee of Inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office or wilfully acted in a manner prejudicial to the interest of the State, and such findings have not been set aside on appeal or judicial review;
- (f) has had his property confiscated as a result of the findings of a Commission or a Committee of Inquiry, and such findings have not been set aside on appeal or judicial review;
- (g) is under sentence of death or sentence of imprisonment imposed upon him by any court; or
- (h) is otherwise disqualified by any law for the time being in force.

(2) Without prejudice to the provisions of subsection (1) of this section, any member of the Board shall cease to be a member if:—

- (d) he is absent from three or more consecutive meetings of the Board without sufficient reason; or
- (b) in the case of a person possessed of professional qualifications, he is disqualified, otherwise than at his own request, from practising his profession in Nigeria by order of any competent authority made in respect of him personally.

6. All the members of the Board shall hold office at the pleasure of the Conference.

7. No proceedings shall lie against any person holding an office or appointment under this Law for anything done, reported or said by him in the course of the exercise or intended exercise of his functions under this Law, unless it is shown that he acted in bad faith.

PART III—FUNCTIONS OF THE BOARD

8.—(1) The functions of the Board shall be:—

- (a) to take over moneys realised from all present and future donations to the Conference;
- (b) to administer the moneys realised from the launching of the State Education Endowment Fund;
- (c) to undertake projects to supplement the State Government's efforts in the provision of development of education in the State;
- (d) to undertake or commission research and surveys in the field of education; and
- (e) to solicit donations in cash or in kind from individual and groups for the purpose of educational development in the State.

(2) The Board may also do all such acts as may appear to it expedient for the purpose of

implementing the functions specified in subsection (1) of this section.

9. Without prejudice to the generality of section 13 of this Edict, the Board may, with the prior approval of the Governor and subject to such conditions as it may think fit, by writing under its common seal delegate any of its functions under this Part to any person and may at any time in like manner revoke such delegation.

10.—(1) The Board shall conduct its affairs on sound commercial lines and in such a manner as to ensure a reasonable return on its capital.

(2) In determining what constitutes a reasonable return, all pertinent economic and financial considerations shall be taken into account, including but not limited to the need to provide a reasonable proportion of the Fund needed for expanding the Board's activities and improving its work.

11.—(1) The Board shall ordinarily meet for the despatch of business at such times and places as the Chairman of the Board may, from time to time appoint, but shall meet at least twice in every year.

(2) The Chairman shall, upon the request in writing signed by not less than four members of the Board, summon a special meeting of the Board within fourteen days on receipt of such request.

(3) At every meeting of the Board the Chairman shall preside and, in his absence, the members present shall elect a person from among their number to preside at that meeting.

(4) Every question coming before the Board at any meeting shall be decided by a majority of the votes of members present.

(5) The quorum at any meeting of the Board shall be five.

(6) The Chairman or other person presiding at any meeting of the Board shall have a second or casting vote.

(7) The Board may co-opt any person as an adviser to attend any meeting of the Board, but a person so co-opted shall not have the right to vote on any matter coming before the Board for decision at that meeting.

(8) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(9) A member of the Board who is in any way directly or indirectly interested in any contract or transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the Board and the member: –

(d) shall not take part in any deliberation or decision of the Board with respect to that contract or transaction or project;

(b) shall be disregarded for the purpose of constituting a quorum of the board for any such

deliberation or decision.

(10) For the purposes of subsection 9 of this section, a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract or transaction or project of the Board concerning the company or firm shall be regarded as a sufficient disclosure of his interest in relation to that contract or transaction or project.

(11) A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under subsection (9) of this section if he takes reasonable steps to secure that the disclosure is made by notice which is brought up and read at the meeting.

(12) Any member who infringes subsections (9) and (10) of this section shall be liable to be removed from the Board.

(13) Except as otherwise expressly provided by this section, the Board shall prescribe the procedure for its meetings.

12. The Board may appoint committees of the Board comprising members of the Board or non-members as the Board may think fit and may assign to such committees such functions relating to the objects and functions of the Board as the Board may determine.

13.—(1) The use of the common seal of the Board shall be authenticated by two signatures, namely:—

(a) the signature of the Chairman or some other member of the Board authorised by the Board to authenticate the application of the seal; and

(b) the signature of the Director-General or some other officer of the Board authorised by the Board to act in the Director-General's place for that purpose.

(2) The Board may by instrument in writing under its common seal empower any person either generally or in respect of any specified matters as its attorney, to execute deeds on its behalf in any place not situated in the State; and every deed signed by such attorney on behalf of the Board and under his seal, shall be binding on the Board and have the same effect as if it were under the seal of the Board.

(2) An instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Board by any member of the Board if such person has previously been authorised by a resolution of the Board to execute or enter into that particular instrument or contract.

(4) The Board, if it thinks fit, may by writing under its common seal appoint any person outside the State as agent to execute an instrument or enter into a contract and the instrument or contract if executed or entered into on behalf of the Board shall have effect as if it had been

duly executed or entered into as prescribed for the purpose of this subsection.

(5) Every document purporting to be an instrument executed or issued by or on behalf of the Board and purporting to be:—

(a) sealed with the common seal of the Board authenticated in the manner provided by subsection (1) of this section; or

(b) signed by and under the seal of a person appointed as attorney under subsection (2) of this section; or

(c) signed by a member of the Board or other person authorised in accordance with subsection (3) of this section to act for that purpose,

shall be deemed to be so executed or issued until the contrary is shown.

PART IV—MANAGEMENT AND STAFF OF THE BOARD

14.—(1) The Board may, from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Board.

(2) The Board may also engage the services of such consultants and advisers as the Board may determine.

(3) The Board shall be responsible for the appointment, promotion, transfer, termination of appointment, dismissal and maintaining discipline of the officers and other employees of the Board.

(4) The Board may delegate any of its functions under subsection (3) of this section to any employee of the Board as the Board may direct.

(5) Subject to this Law, the employees and advisers of the Board shall be engaged on such terms and conditions as the Board may determine.

(6) Public officers may be transferred or seconded to the Board or may otherwise give assistance thereto.

15.—(1) The Board shall have an officer to be designated as "the Director-General" who shall be the Chief Executive officer of the Board.

(2) The Director-General shall be a person who has had experience of, and shown capacity in, administration or the organisation of workers.

(3) The Director-General shall be appointed by the Conference on the recommendation of the Board and shall hold office upon such terms and conditions as may be specified in his instrument of appointment.

(4) The Director-General shall, subject to the general control of the Board on matters of policy and subject in particular to such regulations as the Board may make in that behalf under section 24 of this Law, be charged with the direction of the day-to-day business of the Board and of its administration and the control of all the employees of the Board.

(5) The Director-General shall:-

(a) act as Secretary to the Board at its meetings; and

(b) in consultation with the Chairman of the Board arrange the business for and cause to be recorded and kept minutes of all meetings of the Board.

(6) The Director-General shall also perform such other functions in relation to the work of the Board as the Board may direct.

(7) The Director-General may, in the performance of his functions under subsection (4) of this section, be assisted by such officers as the Board may determine.

16.—(1) The Chairman of the Board shall, in his capacity as Chairman, have no other functions in relation to the Board except as otherwise expressly conferred on him by this Edict or by any other enactment.

(2) The Chairman shall be charged with the general oversight, on behalf of the Board, of the implementation of the Board's policy decision by the Board between the Board's meetings.

17.—(1) The Board shall have an internal auditor.

(2) Subject to this Law, the internal auditor shall be responsible to the Director-General for the performance of his functions.

(3) As part of his functions under this Law, the internal auditor shall, at intervals of three months, prepare a report on the internal audit work carried out by him during the period of three months immediately preceding the preparation of the report, and submit the report to the Director-General who shall convene a meeting of the Board as soon as possible to discuss the internal auditor's report.

(4) Without prejudice to the general effect of subsection (3) of this section, the internal auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Board during the period to which the report relates.

(5) The internal auditor shall send a copy of each report prepared by him under this section to the Conference and also to the Chairman of the Board.

PART V—FINANCIAL PROVISIONS

18. —(1) The funds of the Board shall include:-

(a) moneys realised from the launching of the State Education Endowment Fund;

(b) funds as may, from time to time, be contributed or granted by the State Government or Federal Government;

(c) gifts; and

(d) funds from any other source.

(2) All sums of money received on account of the Board shall be paid into such banks as the Conference may approve, for the credit of the Board's general current or deposit account, so

however, that the Board may invest, as it thinks fit any moneys not required for current use.

19. —(1) The Board shall submit to the Conference at such times and in such form as the Conference may direct, detailed estimates of its income and expenditure for the next following financial year.

(2) The expenditure of the Board shall be in accordance with the estimates as approved by the Conference.

20. —(1) The Board may have bank accounts in such banks as the Conference may approve.

(2) The Board may obtain loans and other credit facilities on the guarantee of the State Government from such banks as the Conference may approve.

(3) Apart from the powers of the Board under subsection (2) of this section, the Board may, with the approval of the Conference borrow from any other source.

(4) The Board may borrow temporarily by way of overdraft or otherwise such sums as it may require for meeting its current obligations or discharging its functions.

21. The Board shall keep proper books of account and proper records in relation thereto.

22.—(1) The books and accounts of the Board shall, within three months after the end of each financial year, be audited in accordance with section 117 of the Constitution of the Federal Republic of Nigeria 1979 as amended.

(2) The Board shall pay fees in respect of the audit to the External Auditor appointed by the Board.

(3) For the purposes of subsection (2) of this section, the State Director of Audit may provide the guideline on the level of fees to be paid to the External Auditor so appointed.

(4) The Board shall, as soon as possible upon receiving the External Auditor's Report under this section, forward a copy of the Report to the Conference.

(5) The State Director of Audit shall comment on the Board's annual accounts and the External Auditor's report thereon.

(6) Where the State Director of Audit comments on the Board's annual accounts and the External Auditor's Report thereon, he shall submit his comments to the Conference.

PART VI—GENERAL

23.—(1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the termination of that year, cause to be submitted to the Conference an annual report of the Board dealing generally with the activities and operations of the Board within that year which shall, without prejudice to the generality of the foregoing, include:—

(a) a copy of the audited accounts of the Board together with the State Director of Audit's report thereon (if any);

(b) each report submitted by the internal auditor under section 17 of this Law in relation to

that financial year; and

(c) such other information as the Conference may request.

(2) The Board shall also submit to the Conference such other reports on the Board's financial affairs as the Conference may by writing reasonably request from time to time.

24.—(1) The Board may make regulations as it may think fit for the purpose of giving effect to this Law.

(2) Without prejudice to the generality of subsection (1) of this section, the Board may make regulations for:—

(a) the internal operations; and

(b) the conditions of service of the employees, of the Board.