

CHAPTER K28 - KWARA STATE LAW REFORM COMMITTEE (ESTABLISHMENT) LAW

ARRANGEMENT OF SECTIONS

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KWARA STATE LAW REFORM COMMITTEE (ESTABLISHMENT) LAW A Law to
establish a committee for law reform in the State.

[KWS 7 of 1991, No. 4 of 2006.]

[Date of commencement: 15th November, 1990]

1. Short title

This Law may be cited as the Kwara State Law Reform Committee

(Establishment) Law.

2. Interpretation

In this Law, unless the context otherwise requires—

"high judicial office" means any judicial office not below that of a High Court Judge;

"Member" means any member of the Committee including the chairman;

"the Chairman" means the Chairman of the Committee;

"the Committee" means the Kwara State Law Reform Committee established under section 3 of this Law.

3. Establishment of the State Law Reform Committee

There is hereby established for the State a Committee to be known as the Law Reform Committee (hereinafter referred to as "the Committee") which shall be a body corporate with perpetual succession and a common seal with power to sue and be sued.

4. Appointment and tenure of office of members, etc.

(1) The members of the Committee shall be appointed by the Governor and shall consist of five part-time members, one of whom shall be designated as the Chairman and at least one of whom shall not be a legal practitioner.

(2) The person appointed as Chairman under subsection (1) of this

section shall be a person qualified—

- (a) by holding a high judicial office; or
- (b) by experience as a legal practitioner of not less than 10 years standing; or
- (c) by being an eminent scholar in law.

(3) Subject to subsection (4) of this section, a person appointed as a member of the Committee shall hold office for five years and shall be eligible for reappointment for one further term of five years.

(4) The Governor may terminate the appointment of any member of the Committee on grounds of misbehaviour or inability to discharge the function of his office by reason of physical or mental incapacity. There shall be paid to every member such salaries and allowances as the Governor may from time to time direct.

5. Proceedings

(1) The Committee shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders and to subsection (2) below, may function notwithstanding—

- (a) any vacancy in its membership or the 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.

(2) The quorum at any meeting of the Committee shall be three, one of whom shall be the Chairman.

(3) Where standing orders made under subsection (1) of this section provide for the Committee to co-opt persons who are not members of the Committee, such persons may attend meetings of the Committee and advise it on any matter referred to them by the Committee but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Committee.

6. Standing and ad hoc committees

(1) Subject to its standing orders, the Committee may appoint such number of Standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Committee is concerned.

(2) Every Committee set up under this section shall be presided over by a member of the Committee and shall be made up of such number of other persons (who need not be members of the Committee) as the Committee may determine in each case.

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

7. Functions of the Committee

[No. 4 of 2006.]

(1) Subject to the following provisions of this section, it shall be the duty of the Committee generally to take and keep under review all state laws with a view to their systematic and progressive development and reform in consonance with the prevailing norms of the State including in particular the codification of such laws, the elimination of anomalies, the repeal of obsolete, spent and unnecessary enactments, the reduction in number of separate

enactments, the reform of procedural laws in consonance with changes in the machinery of the administration of justice and generally the simplification and modernisation of the Law.

(2) For the purposes of subsection (1) of this section, the Committee—

- (a) shall receive and consider any proposals for the reform of the law which may be made or referred to it by the State Attorney-General;
- (b) may prepare on its own initiative and submit to the State Executive Council from time to time programmes for the examination of different branches of the Law with a view to reform;
- (c) shall undertake pursuant to any such recommendations approved by the State Executive Council the examination of particular branches of the law and the formulation, by means of draft legislation or otherwise of proposals for reform therein;
- (d) shall prepare from time to time at the request of the State Attorney-General a comprehensive programme of consolidation and statute law revision and undertake the preparation of draft legislation pursuant to any such programme approved by the Attorney-General;
- (e) may provide advice and information to State Government departments and other authorities or bodies concerned, at the instance of the State Government, with proposals for the reform or amendment of any branch of the law.

(3) The Attorney-General may—

(a) modify the terms of a reference; and

(b) give directions to the Committee as to the order in which it is to deal with references.

(4) The Committee may conduct such seminars and where appropriate hold such public sittings concerning any programme for law reform as it may consider necessary from time to time.

(5) The Attorney-General shall lay before the State Executive Council any programmes prepared by the Committee or any proposals for reform formulated by the Committee pursuant to such programme.

8. Interim reports

Where the Attorney-General has referred a matter to the Committee—

(a) the Committee may, at any time before making its report in pursuance of the reference, make an interim report on its work under such reference; and

(b) the State Executive Council may at any time before the Committee makes its report in pursuance of the reference, direct the Committee to make an interim report on its work under such reference.

9. Secretary and other staff of the Committee

(1) There shall be appointed by the Committee as Secretary a member of the public service of the State who shall be the Chief Executive Officer of the

Committee 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.

(2) The Committee may appoint other persons who shall also be members of the civil service of the State to be officers and servants of the Committee as the Committee may determine to assist the Secretary in the exercise of his functions.

(3) The remuneration and tenure of office of the Secretary and other officers and servants of the Committee shall be determined by the Committee after consultation with the Attorney-General.

10. Service in the Committee to be pensionable, etc.

(1) Subject to subsection (3) below, persons employed in the Committee shall in respect of their services in the Committee be entitled to pensions, gratuity and other retirement benefits as prescribed under the Pensions Law in respect of persons holding equivalent posts, and accordingly and notwithstanding the provisions of the Pensions Law it is hereby declared that services in the Committee shall be approved service for the purposes of that enactment.

(2) It is hereby declared for the avoidance of doubt that references in this section to persons employed in the Committee do not include references to the members of the Committee.

(3) Nothing in this section shall prevent the appointment of a person to any office in the Committee on terms and conditions which preclude the grant of a pension or gratuity in respect of service in that office.

11. Funds of the Committee

(1) The Committee shall establish and maintain a fund consisting of such moneys as may be in each financial year be appropriated by the Government of the State for the purposes of the Committee.

(2) The Committee shall defray from the fund established pursuant to subsection (1) of this section, all the amounts payable under or in pursuance of this Law being sums representing—

- (a) amount payable to the Chairman and other members of the Committee (including allowances);
- (b) costs of employment of staff of the Committee;
- (c) amounts payable as pensions, gratuities and other retirement benefits under or pursuant to this Law or any other enactment;
- (d) costs of acquisition and upkeep of premises belonging to the Committee and other capital expenditure of the Committee;
- (e) any other payment for anything incidental to the foregoing provisions or in connection with or incidental to any other functions of the Committee under or pursuant to this Law.

(3) The Secretary to the Committee shall be the accounting officer for the purpose of controlling and disbursing amounts from the fund established pursuant to this section.

12. Accounts and audit

(1) The Secretary of the Committee shall in each financial year prepare estimates of recurrent and capital expenditure and, when approved by the Committee, the estimates shall be forwarded through the Attorney-General for approval by the State Government.

(2) The Secretary shall keep proper accounts and proper records in relation thereto.

(3) The accounts of the Committee shall be audited by State Auditor-General or by any auditor appointed by him in that behalf.

[No. 4 of 2006.]

13. Annual reports

(1) In addition to any other report prescribed under this Law the Committee shall prepare and submit to the State Executive Council through the Attorney-General, not later than 30th June in each financial year, a report on the activities of the Committee during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Committee for that year and the auditor's report thereon.

(2) The Committee may from time to time publish general reports on its activities for sale to members of the public.

14. Regulations

The Attorney-General may with the approval of the State Executive Council make regulations generally for the purposes of carrying out or giving full effect to the provisions of this Law.

CHAPTER K28

KWARA STATE LAW REFORM COMMITTEE (ESTABLISHMENT) LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
