

# CHAPTER K22 - KWARA STATE HAJJ PILGRIMS WELFARE BOARD LAW

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## KWARA STATE HAJJ PILGRIMS WELFARE BOARD LAW

A Law to provide for the welfare of pilgrims undertaking the Hajj.

[KWS 9 of 1991, No. 4 of 2006.]

[Date of commencement: 29<sup>th</sup> October, 1987]

### 1. Short title

This Law may be cited as the Kwara State Hajj Pilgrims Welfare Board.

### 2. Interpretation

In this Law, unless the context otherwise requires—

"**financial year**" means the period of twelve calendar months ending on 31st December;

"**Government**" means the Government of the State;

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

"**Governor's Office**" means the office for the time being charged with responsibility for Pilgrims Welfare Board;

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

"**pilgrims**" means persons travelling to sacred places in Saudi Arabia or Qudus in Jerusalem;

"**Secretary**" means the Secretary appointed under section 13 (1) of this Law exercising the functions of the Secretary;

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

"**the Board**" means the Kwara State Hajj Pilgrims Welfare Board established under the provisions of the Law;

"**the Chairman**" means the Chairman of the Board appointed under section 4 (1) of this Law;

## PART II

### *Establishment, Constitution and Functions of the Board*

#### 3. Establishment of the State Pilgrims Welfare Board

(1) There is hereby established for the State a body to be known as the Kwara State Hajj Pilgrims Welfare Board.

[No. 4 of 2006.]

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

#### **4. Membership of the Board**

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

- (a) a part-time Chairman;
- (b) two persons from each senatorial district of the State; and
- (c) a representative of the Governor's Office.

[No. 4 of 2006.]

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

(3) No act or other proceedings of the Board shall be invalidated by reason of any vacancy among its members.

#### **5. Remuneration of members**

There shall be paid out of the funds of the Board to each member of the Board, not being an officer in the Public Service, such remuneration, whether by way of salary, fees, or allowances as the Governor may determine from time to time.

#### **6. Tenure of office of members**

Any member of the Board shall hold office for a period of 3 years beginning from the date of his appointment as a member and shall be eligible for reappointment at the expiration of such period.

## **7. Duties of the Board**

It shall be the duty of the Board, subject to the provisions of this Law—

- (a) to organise smooth and hitch-free Hajj operations;
- (b) to protect and safeguard the interest and welfare of State Hajj Pilgrims while making pilgrimage to and from any place of pilgrimage;
- (c) to make necessary arrangements for the well being of Hajj Pilgrims from the State before departure and while in the Holyland;
- (d) to ensure that those selected to undertake the pilgrimage have the required means to sustain them adequately in the Holyland;
- (e) to enlighten the pilgrims on all the requirements of Hajj as contained in Islamic injunctions and Government guidelines;
- (f) to ensure that all Kwara State Hajj Pilgrims conduct themselves in accordance with the expectations of the Federal Government and in conformity with the rules and regulations of Saudi Arabian Government.

## **8. Powers of the Board**

(1) Subject to the provisions of this Law, the Board shall for the purposes of carrying out its functions under this Law, have power to carry on all activities which are necessary, advantageous or convenient to the pilgrims.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the powers of the Board shall include powers—

- (a) to enter into any transaction (whether or not involving expenditure, the granting of financial assistance, the acquisition of any property or rights) where it is deemed absolutely necessary to facilitate the proper performance of its functions;
- (b) to carry on all Islamic religious activities, solely related to pilgrimage.

[No. 4 of 2006.]

## **9. Exemption from liability**

No member of the Board shall be personally liable for any act or default of the Board or omitted to be done in good faith in the course of the operations of the Board.

## **10. Appointment of Committees**

The Board may appoint one or more committees to advise or take any other actions as to the initiation, administration of any matter which the Board may undertake or in which it may participate, or for any other purposes, whether general or special, relating to the functions of the Board which in the opinion of the Board would be better regulated or managed by means of a Committee.

## **11. Power to make regulations**

The Board may, subject to the provisions of this Law and to the approval of the Governor, make regulations for all or any of the following—

- (a) prescribing the general conditions and specifying offences and types of misconduct which may disqualify intending Hajj Pilgrims from performing pilgrimage;
- (b) providing generally, other conditions that will enhance successful pilgrimage;
- (c) prescribing fees or charges in such cases as may be determined by the Board for its effective functions.

## **12. Funds and resources of the Board**

The funds and resources of the Board shall consist of—

- (a) all monthly subventions allocated by the Government to the Board, for Hajj operations;
- (b) all operational grants allocated by Government to the Board for Hajj operations;
- (c) money earned or arising from sales of forms or any investment or other property whatsoever acquired or vested in the Board;
- (d) all other sums (whether as charges or fees) whatsoever received by the Board in the course of its operations or in relation to the exercise by the Board of any of its functions

under this Law.

### PART III

#### *Administrative Organisation of the Board*

##### *13. Secretary*

(1) There shall be a Secretary of the Board who shall be the Chief Administrative Officer of the Board and who shall have ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with the provision of this Law.

(2) There shall be other officers in the management of the Board as the Board may deem fit.

(3) Power to appoint and exercise disciplinary control over the Secretary and to determine his terms and conditions of service as to the remuneration or otherwise shall be vested in the Governor, and shall also be subject to the provisions of any regulations or rules that may be made under section 16 of this Law.

##### **14. Other staff etc. of the Board**

(1) Subject to the provisions of this section, the Board shall have power to appoint and exercise disciplinary control over such other Officers, servants and agents as it may think necessary for the discharge of its duties and functions under this Law and to determine their terms and conditions of service as to remuneration or otherwise.

(2) The exercise of the powers vested in the Board by section 7 shall be subject to the provisions of any regulations or rules that may be made



under section 16 of this Law.

#### **15. Posting and transfer of employees**

The Board may employ through posting of such officers in the Public Service of the State or Local Government as may, with the agreement of such Officers, be posted to the service of the Board in accordance with the procedure applicable to the posting of such Officers.

#### **16. Power to make regulations relating to employees of the Board**

The Board may, with the approval of the Governor, and subject to the provisions of this Law, make regulations with respect to the appointment, promotions, transfer and dismissal of, and exercise of disciplinary control over, its employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters—

- (a) the qualifications to be required for appointments;
- (b) the method of appointment, including probation and confirmation;
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including without prejudice to the generality of that expression) the salaries, allowances, the grant of advances, leaves and medical treatments;
- (e) the procedure and requirements for promotion;

- (f) the maintenance of discipline (including dismissal and the determination of appointments);
- (g) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations.

## **17. Pension**

The services in the Board shall be recognised by the Government for pension purposes.

## **PART IV**

### **Account and Reports of the Board**

## **18. Accounts**

(1) The Board shall—

- (a) cause to be kept proper accounts in respect of its functions under this Law and other records in relation thereto; and
- (b) prepare, in respect of each financial year, statement of accounts in such form as may be approved by the Governor's Office.

(2) The said annual statement of accounts shall be a fair and accurate statement of financial position for the financial year to which it relates.

(3) The said annual statement of accounts shall be audited by an auditor to be appointed annually by the Board with the approval of the Governor's Office and the remuneration to be paid by the Board to the Auditor so appointed shall be approved by the Governor's Office.

(4) As soon as the said annual statement of accounts has been audited as aforesaid, the Board shall forward to the Governor's Office a copy of the report made by the Auditor.

(5) Before the commencement of each financial year, the Board shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Governor through the Secretary to the Government for approval, and the Governor shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

## **19. Pilgrimage operation report**

The Board shall within 8 weeks after the end of Hajj operations submit a comprehensive report.

### *Membership and Proceedings of the Board*

## **20. Appointment of members of the Board**

(1) Every member of the Board shall hold office for three years from the date of his appointment, but shall be eligible for reappointment for another one term.

(2) If the Governor is satisfied that a member of the Board—

- (a) has been absent from three consecutive meetings of the Board without the permission of the Governor in the case of the Chairman, or of the Chairman in the case of any other member;
- (b) has become bankrupt or made an arrangement with his creditors;

- (c) has been convicted of an offence involving or necessarily implying fraud or dishonesty and has undergone a sentence of imprisonment;
  - (d) is incapacitated by physical or mental illness from performing his functions as a member;
  - (e) has such financial or other interest which in the opinion of the Governor is likely to affect prejudicially the discharge by him of his functions as a member; or
  - (f) is otherwise unable or unfit to discharge the functions of a member,
- the Governor may revoke the appointment of such a member.

(3) A member may resign his office as a member by notice in writing to the Governor and upon receipt of such resignation by the Governor, the appointment of such member shall be terminated.

(4) Notwithstanding the provisions of section 20 of this Law, the Governor may at any time remove any member from office.

## **21. Co-option of persons**

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

## **22. Meeting and procedure**

(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least six meetings in every year.

(2) At a meeting of the Board—

(a) the Chairman shall, if present, be the chairman of the meeting;

(b) if and so long as the Chairman is not present or if the office of Chairman is vacant, the members of the Board who are present shall choose one of their numbers to be the chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of any equal division of votes, the Chairman of the meeting shall have a second or casting vote.

(4) Any three 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 purpose set out in such notice and the Chairman shall thereupon call a special meeting.

[No. 4 of 2006.]

(5) Four members shall form a quorum at any meeting of the Board.

## **23. Common seal**

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

(2) The common seal of the Board shall be authenticated by the signature of the Chairman or other member authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board 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.

#### **24. Standing orders**

Subject to the provisions of this Law, the Board may make standing orders for the purposes of regulating its own proceedings.

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## **CHAPTER K22**

### **KWARA STATE HAJJ PILGRIMS WELFARE BOARD LAW**

#### **SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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