

CHAPTER K35 - KWARA STATE MILLENNIUM DEVELOPMENT GOALS FUND LAW

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Establishment and Incorporation of the Millennium Development Goals Fund

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FIRST SCHEDULE

SECOND SCHEDULE

KWARA STATE MILLENNIUM DEVELOPMENT GOALS FUND LAW

A Law to establish a Fund which is to be applied to ensure that the State attains the Millennium Development Goals by the target year.

[Date of commencement: 21 *th* August, 2007]

PART I

Establishment and Incorporation of the Millennium Development Goals Fund

1. Establishment of the Fund

There is established a Fund to be known as the Millennium Development Goals Fund (in this Law referred to as "the Fund").

2. Incorporation of the Fund

The Fund 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 properties movable and immovable for the purpose of carrying out its functions under this Law.

3. Payments into the Fund

(1) There shall be paid into the Fund—

- (a) all monies received as contributions, donations or accruing to the Fund from persons, companies, institutions, associations and organisations;
- (b) such monies as may be provided by the Federal, State and Local Governments; and
- (c) such other monies as may accrue to the Fund from time to time.

(2) Notwithstanding the provisions of subsection (1) of this section, there shall be monthly contributions into the Fund by the following—

- (a) Political appointees;
- (b) Government functionaries;
- (c) Civil servants;
- (d) Traditional rulers;
- (e) Contractors doing business with the State Government; and
- (f) such other persons, institutions, organisations, etc. as may be determined from time to time by the Action Committee.

(3) The sums to be contributed by the persons provided for in paragraphs (a), (b) and (c) of subsection (2) of this section shall be as provided in the First Schedule of this Law.

[First Schedule.]

(4) The sums to be contributed by the persons provided for in paragraphs (d), (e) and (f) of subsection (2) of this section shall be as prescribed from time to time by the Action Committee.

(5) The sums provided for in the First Schedule may be reviewed from time to time by the Action Committee.

4. Utilisation of the Fund

The Fund shall be utilised exclusively for the execution of projects to ensure that the State attains the Millennium Development Goals by the target year.

PART II

Establishment, Composition and Functions of the Millennium Development Goals Fund Action Committee

5. The Millennium Development Goals Fund Action Committee

(1) There is established for the Fund a body to be known as the Millennium Development Goals Fund Action Committee (in this Law referred to as "the Action Committee").

(2) The Action Committee shall consist of—

(a) the Governor who shall be the Chairman;

(b) the Secretary to the State Government;

- (c) the Head of Service;
- (d) the Special Adviser to the Governor on Millennium Development Goals;
- (e) one representative each of the following Ministries—
 - (i) Finance and Economic Development;
 - (ii) Health;
 - (iii) Agriculture and Natural Resources;
 - (iv) Water Resources;
 - (v) Environment and Tourism;
 - (vi) Women Affairs;
 - (vii) Rural Development;
 - (viii) Education, Science and Technology.
- (f) one representative of—
 - (i) the State Planning Commission;
 - (ii) the State Action Committee on Aids;
 - (iii) the House of Assembly;
 - (iv) the Chamber of Commerce, Industries, Mines and

Agriculture;

(v) the Nigeria Labour Congress.

(g) one eminent Muslim scholar;

(h) one eminent clergyman; and

(i) the Secretary of the Fund, who shall be the Secretary of the Action Committee.

(3) Members of the Action Committee shall—

(a) be persons of proven integrity;

(b) other than *ex-officio* members be appointed by the Governor; and shall hold office for such period of time as may be determined by the Governor; and

(c) be paid such remuneration and allowances as the Governor may from time to time determine.

(4) A member of the Action Committee may at any time by notice address to the Governor resign his appointment and such resignation shall take effect upon acknowledgement by the Governor.

6. Removal from office

A member of the Action Committee may be removed by the Governor if he is satisfied that it is not in the interest of the Fund or the interest of the public that the member continues in office.

7. Cessation of membership

(1) Notwithstanding the provisions of section 5 (3) (b) of this Law, a person shall cease to hold office as a member of the Action Committee if—

- (a) he becomes bankrupt, suspends payment or compounds with his creditors;
- (b) he is convicted of a felony or any offence involving dishonesty and fraud;
- (c) he becomes of unsound mind or incapable of carrying out his duties;
- (d) he is guilty of a serious misconduct in relation to his duties;
- (e) in the case of a person possessed of professional qualification he is disqualified or suspended, other than at his own request from practicing his profession by an order of competent authority made in respect of that member;
- (f) he dies;
- (g) he has financial or other interest in the operation of the Fund; and
- (h) he has been absent from three consecutive meetings of the Action Committee without the permission of the Chairman.

(2) If a member of the Action Committee ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed another person representing the same interest as that member shall be appointed, to the Action Committee for the unexpired term.

8. Second Schedule

The supplementary provisions set out in the Second Schedule shall have effect with respect to the proceedings of the Action Committee and other matters contained therein.

9. Functions of the Action Committee

The Action Committee shall—

- (a)* exercise control over the management of the Fund with a view to ensuring accountability and proper utilisation of the Fund.
- (b)* liaise with Ministries, Extra-Ministerial Departments and Local Governments in identifying, funding and executing projects for the attainment of the following Millennium Development Goals, that is—
 - (i)* eradication of poverty and hunger;
 - (ii)* universal basic education;
 - (iii)* gender equality and women empowerment;
 - (iv)* reduction of child mortality;
 - (v)* improved maternal health;
 - (vi)* combating HIV/AIDS, malaria and other diseases;

- (vii) environmental sustainability, and
 - (viii) developing a global partnership for development.
- (c) effect the collection and payment of any money due and payable to the Fund;
 - (d) carry out public enlightenment to sensitise the general public on matters of human decency, civic responsibility and concern for the welfare of the disadvantaged;
 - (e) promote and improve on the welfare of most vulnerable and disadvantaged groups in the society, notably women, disables, destitutes, the aged and children, of all ages, etc.; and
 - (f) carry out such other activities as are necessary and expedient for the purpose of attaining the Millennium Development Goals by the target year.

PART III

Administrative Organisation of the Fund

10. Secretary of the Fund

(1) (a) There shall be a Secretary for the Fund, who shall be appointed by the Governor from the State Civil Service, who shall not be below Grade Level 15.

(b) The Secretary shall have adequate knowledge, experience and qualification in the area of financial Management.

(2) The Secretary shall—

- (a) be the Chief Administrative Officer of the Fund and the Accounting Officer of the Action Committee;
- (b) be responsible for the day to day administration of the Fund;
- (c) be responsible for the carrying out of the policies and decisions of the Action Committee in accordance with the provisions of this Law;
- (d) define and assign responsibilities to the staff;
- (e) be responsible for keeping proper records of the proceedings of the Action Committee;
- (f) be a signatory to the bank account of the Fund;
- (g) be responsible for accounting for all monies collected, paid or otherwise expended by the Fund; and
- (h) perform such other duties, not inconsistent with this Law, as the Action Committee may from time to time prescribe.

(3) Power to exercise disciplinary control over the Secretary shall vest in the Governor on the recommendation of the Action Committee.

11. Other staff of the Fund

The Fund shall—

- (a) employ, engage, appoint such number of employees as may in the opinion of the Fund be required to assist the Fund in the proper and effective conduct of its business upon such terms and conditions of service (including remuneration, allowances, benefits as are in line with the conditions of service obtainable in the Civil Service of the State) after consultation with the State Civil Service Commission;
- (b) employ on secondment such officers in the Civil Service of the State or in the service of any Local Government, etc. as may with the agreement of such officers, be seconded to the service of the Fund in accordance with the procedure applicable to the secondment of such officers; and
- (c) have power to dismiss such employee as it may consider necessary.

12. Regulations relating to employees

The Action Committee may, with the approval of the Governor and subject to the provisions of this Law, make regulations with respect to the appointments, promotions, transfers, dismissal 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

Fund 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, the provisions of quarters, leave and medical treatments);
- (*e*) the procedures and requirements for promotions;
- (*f*) the maintenance of discipline (including dismissal and the determination of appointments);
- (*g*) the transfer of employees between the Fund and other Government Services; and
- (*h*) such other matters relating to departmental procedures, duties and responsibilities of employees as the Action Committee considers can be best provided for by regulations.

PART IV

Financial Provisions

13. Funds and resources of the Fund

- (1) The funds and resources of the Fund shall consist of—
 - (*a*) all sums accruing to the Fund by virtue of section 3 of this Law;
 - (*b*) such sums or properties granted to the Fund by the Federal,

State or Local Government, or any person, institution or organisation; and

- (*c*) such sums as may be paid to the Fund by way of grants, subventions, donations, gifts, fees, rents, grants-in-aid, endowments and royalties.

(2) All other monies accruing to the Fund from other sources approved by the Government and which shall be properly accounted for and reported on.

(3) All sums received by the Fund shall be credited to the funds of the Fund and the Fund shall apply such funds in accordance with this Law or upon such conditions as may be attached to its derivations or appropriations.

(4) The signatories to the account of the Fund shall be—

- (*a*) the Secretary to State Government;
- (*b*) the Accountant-General of the State; and
- (*c*) the Secretary for the Millennium Development Goals Fund.

PART V

Accounts and Reports

14. Bank account

The Fund shall maintain a bank account into which all monies accruing to the Fund shall be kept.

15. Accounts and statement of accounts

(1) The Fund shall keep proper accounts of revenue and expenditure, payments, receipts, assets and liabilities and shall by the end of each financial year prepare an annual statement of account showing in a fair and accurate manner the financial position of the Fund.

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

16. Audit

The Fund shall within two months after the end of each financial year cause the account of the Fund relating to the previous year to be audited by the Auditor-General of the State or by any other person authorised in that behalf by him.

17. Annual report

The Fund shall not later than three months after the end of each year, submit to the Governor a report on the activities and administration of the Action Committee in relation to the Fund during the immediate proceeding year which report must include a certified copy of the audited accounts and the Auditor-General's report thereon.

18. Annual estimate and expenditure

(1) The Fund shall, not later than 30th September in each year, submit to the Governor an estimate of its expenditure and income (including payments to the Fund) for the next succeeding year.

(2) The Fund shall submit a copy of the estimates prepared in subsection (1) of this section to the Governor for his approval and the Governor shall have the power to disallow, reduce or vary any provision under any item in the estimates as he may consider necessary.

PART VI

Miscellaneous Provisions

19. Exemption from tax

The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Fund.

20. Power to accept gifts

The Fund may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift, except that, the Fund shall not accept any gift if the conditions attached are inconsistent with the objectives of the Fund.

21. Regulations

The Action Committee may, with the approval of the Governor, make regulations generally for the purpose of giving full effect to the provisions of this Law.

22. Interpretation

In this Law, unless the context otherwise requires—

"Action Committee" means the Millennium Development Goals Fund Action Committee established by section 5 of this Law;

"Functions" includes duties and powers;

"Fund" means the Millennium Development Goals Fund established by section 1 of this Law;

"Governor" means the Governor of Kwara State; "Government" means State and Local Governments;

"Secretary" means the Secretary to the Fund appointed under section 10 of this Law;

"State" means the Kwara State of Nigeria;

"target year" means the year 2015.

23. Citation

This Law may be cited as the Kwara State Millennium Development Goals Fund Law, 2007.

FIRST SCHEDULE

[Section 3.]

PART I

First Column

Second

Column

(I)	Political Office Holders	₦
	1. Governor	-
		10,000
	2. Deputy Governor	-
		7,500
	3. Speaker	-
5,000		
	4. Deputy Speaker	-
4,000		
	5. Chief Judge and Grand Khadi	-
5,000		
	6. Members of House of Assembly	-
4,000		
	7. Secretary to the State Government	-
4,000		
	8. Commissioners	-
3,500		
	9. Special Advisers	-
3,000		
	10. Head of Service	-
4,000		
	11. Chief of Staff	-
3,500		
	12. High Court Judges and Khadis of Shariah court of Appeal	-
3,500		
	13. Chairman Statutory Commissions	-
2,500		
	14. Members Statutory Commissions	-
2,500		
	15. Permanent Secretaries	-
3,000		
	16. Special Assisstants	-

2,500		
17.	Chairmen Board of Parastals Org	-
1,000		
18.	Board Members	-
500		
19.	Local Government Chairmen	-
3,500		
20.	Local Government Vice-Chairmen	-
3,000		
21.	Speaker of Local Government Legislative Councils	-
3,000		
22.	Deputy Speaker Local Government Legislative Councils	-
2,500		
23.	Members Local Government Legislative Councils	-
2,500		
24.	Supervisors Councillors	-
2,500		
25.	Local Government Secretaries	-
2,500		

PART III

(II) Civil Service, Teaching Service Commission, State Universal Basic Education Board, Parastatals and Local Government Councils
(Deductions according to Grade levels)

First Column		Second Column
Persons on S/B-	-	₦
GL01	-	200
GL02	-	250
GL03	-	300
GL04	-	350

GL05	-	400
GL06	-	450
GL07	-	500
GL08	-	550
GL09	-	600
GL10	-	650
GL11	-	700
GL12	-	750
GL13	-	800
GL14	-	2,000
GL15	-	2,500
GL16	-	

PART IV

(IV) Tertiary Institutions

(Deductions according to Grade levels)

First Column column	Second
Persons on HATISS	-
N	
01-06	-
500	
07-10	-
700	
11-12	-
1,500	
13-14	-
2,000	
Deputy Rector/Deputy Provost	-
2,500	
Rector/Provost	-

3,000

SECOND SCHEDULE

[Section 8.]

Supplementary Provisions Relating to the Action Committee

1. Standing order

The Action Committee may make standing orders regulating its proceedings or any of its committees.

2. Meetings

(1) The Action Committee shall meet at such times as may be expedient for the transaction of business and such meetings shall be held at such places and times as the Action Committee may determine.

(2) The Chairman may at any time call special meetings of the Action Committee and also shall do so on being requested in writing by at least eight members of the Action Committee.

(3) At any meeting of the Action Committee the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at that meeting.

3. Quorum

Ten members of the Action Committee shall constitute a quorum, and

the quorum of any ad hoc Committee of the Action Committee shall be determined by the Action Committee.

4. Voting

(1) Every question put before the Action Committee at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) The Chairman and every member shall at any meeting each have a vote, but in the case of an equality of vote, the Chairman may in addition exercise a casting vote.

5. Co-option

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

6. Liability

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

7. Validity of proceedings

No act or proceedings of the Action Committee or an ad hoc Committee shall be invalid—

(a) on account of any vacancy among its members;

- (b) on account of the appointment of any member having been defective; or
- (c) by reason that any person not entitled to do so took part in the proceedings of the Action Committee or the Committee.

8. Sub-committees

(1) The Action Committee may appoint Standing or ad hoc Committees to perform, on behalf of the Action Committee, such of its functions as the Action Committee may determine.

(2) An *ad hoc* Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Action Committee) as may be determined by the Action Committee and a person other than a member of the Action Committee shall hold office on the *ad hoc* Committee in accordance with the terms of his appointment.

(3) The decision of an ad hoc Committee shall be of no effect until it is confirmed by the Action Committee.

9. Seal of the fund

(1) The common seal of the Fund shall not be used or affixed to any document except in pursuance of resolution duly passed at a meeting of the Action Committee and recorded in the minutes of such meetings.

(2) The Secretary shall have custody of the common seal of the Fund and be responsible for fixing the common seal onto any document.

(3) The fixing of the common seal shall be authenticated by the signature of the Chairman and the Secretary.

(4) Any document purporting to be a document duly executed under the common seal of the Fund shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

10. Execution of contracts

Any contract or instrument, which would not be required to be under seal if entered into or executed by a person other than a body corporate, may be entered into or executed on behalf of the Fund by any person generally or specifically authorised by the Action Committee to do so.

CHAPTER K35

KWARA STATE MILLENNIUM DEVELOPMENT GOALS FUND LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
