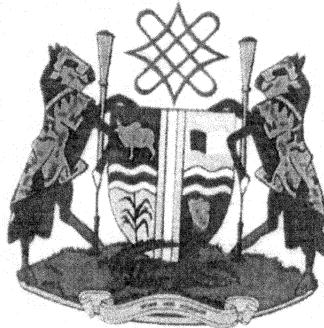


A LAW TO ESTABLISH THE KADUNA STATE AGRICULTURAL DEVELOPMENT AGENCY, 2016



Kaduna State of Nigeria

Law No.15..... 2016

(10th November, 2016)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:

PART I PRELIMINARY

1. This Law is cited as the Kaduna State Agricultural Development Agency Law, 2016. Short Title

2. This Law comes into operation on the10th..... day of November..... 2016. Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

"Agency" means the Kaduna State Agricultural Development Agency (KADA);

"Commissioner" means the Commissioner charged with the responsibility for Agriculture in the State;

"Governor" means the Executive Governor of Kaduna State of Nigeria;

"Member" means a Member of the Governing Board and includes the Chairman;

"Project" means the Kaduna State Agricultural Development Project (KADP)

"State" means the Kaduna State of Nigeria;

"Unit" means a Unit set up by the Agency;

"Zonal Manager" means the Manager in Charge of a particular Zone; and

"Zones" means designated areas of Agricultural activity established by the Agency.

PART II ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE AGENCY

4. (1) There is established an Agency to be known as the Kaduna State Agricultural Development Agency (KADA).
Establishment of the Agency
(2) The Agency shall:
 - (a) be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name; and
 - (b) have power to acquire, hold and lease any of its property whether moveable or immoveable.
5. The objective of the Agency shall be to implement agricultural policies and development programmes in the State, and in addition:
 - (a) liaise with relevant agencies such as Local Government Councils and other relevant Agencies, to deliver extension service to rural communities;
 - (b) carry out training of extension staff and farmers including demonstration of new technology on production, processing and marketing in all agricultural value chain;
 - (c) implement programmes to increase production of crops, livestock, fisheries, bee-keeping through the introductionObjectives of the Agency

- of improved farming practices in the State and strengthening extension services;
- (d) carry out applied research programmes involving the production and testing of seed varieties, agronomic practices, farm machineries and implements, monitoring weather elements with a view to generate data for Agricultural purposes; and
- (e) Promote and encourage local entrepreneurship in farm mechanization activities, agro process and value addition activities.
6. The Agency shall for the purpose of carrying out its objectives have the power of and responsibility as follows:
- (a) making regulations for the appointment, promotion, training, development, discipline and transfer of staff of the Agency;
- (b) collation and collection of basic agricultural data, price information, weather data etc for effective agricultural planning;
- (c) facilitate and strengthen the activities of cooperative societies, and other farmers groups and associations;
- (d) co-operate fully with Local Governments in the operations of the Agency through technical and advisory committees and training programmes; and
- (e) conducting monitoring and evaluation studies to determine the overall economic impact/effects of the Agency's programmes.
7. (1) The Governing Board of the Agency shall comprise of the following:

Powers of the Agency

- (a) Chairman;
- (b) One Member from each of the three Senatorial Zones in the State;
- (c) Three other Members two of which must be women;

The Governing Board

- (d) representative of the Ministry of Agriculture;
 - (e) representative of the Ministry of Women Affairs;
 - (f) representative of the Ministry of Budget and Planning;
 - (g) representative of the Ministry of Water Resources;
 - (h) representative of the Ministry of Rural and Community Development Department;
 - (i) representative of the Federal Ministry of Agriculture and Rural Development;
 - (j) Director of Cooperative Societies, Kaduna State;
 - (k) Chairman, Cooperatives Federation of Nigeria, Kaduna State Chapter;
 - (l) representative of the Institute of Agriculture and Research Ahmadu Bello University, Zaria;
 - (m) the General-Manager; and
 - (n) the Secretary to the Agency to act as Secretary to the Board.
- (2) The Chairman and Members of the Board other than Ex-Officio Members shall be appointed by the Governor.

8. The Board shall:

Functions of the Board

- (a) be responsible for formulating the general policy of the Agency and ensuring its execution;
- (b) approve the Agency's work plans and proposed Annual Budgets;
- (c) be responsible for the appointment of staff of the Agency other than the General-Manager;
- (d) conduct oversight of projects/activities of the Agency; and

- (e) review projects executed by the Agency.
9. There shall be paid to the members of the Board such remuneration, allowances as the Governor may from time to, time determine. Remuneration
10. The Chairman and members of the Board shall hold office for a term of four years and may be reappointed for another term of four years. Tenure
11. (1) Notwithstanding the provisions of this Law, a member shall vacate office if: Vacation of Office
- (a) he gives one month notice in writing to the Governor of his intention to resign;
 - (b) he is convicted of any crime involving dishonesty or fraud;
 - (c) he attains the age of 70 years;
 - (d) he attended fewer than 75% of the Board's meetings in a year;
 - (e) he is barred from practicing his profession by any professional body to which he belongs;
 - (f) he becomes bankrupt;
 - (g) he becomes of unsound mind or incapable of carrying out his duties;
 - (h) he is guilty of serious misconduct with relation to his duties as a member of the Board;
 - (i) he is removed by the Governor in the public interest; or
 - (j) in the case of a person who becomes a member by virtue of the office he holds, ceases to hold that office.
- (2) Where a member of the Board ceases to hold office for any reason whatsoever, before expiration of the term for which he is appointed, another person representing the

same interest as that member shall be appointed to the Board for the rest of the term.

12. (1) There shall be a Secretary who shall be appointed by the Agency and shall: Secretary to the Agency
- (a) be a Public Servant not below the rank of a substantive Director;
 - (b) be the Chief Administrative Officer of the Agency; and
- (2) The Secretary shall, subject to the general direction of the Agency be responsible:
- (a) for the day to day administration of the Agency; and
 - (b) for keeping the books and proper records of proceedings of the Agency.
13. The Agency shall, subject to the approval of the Governor, establish such Departments, Zone and Units as it deems necessary. Departments
14. (1) The Board shall meet for the conduct of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit. Proceedings of the Board
- (2) The Chairman shall preside in all meetings of the Board and in his absence, the members present at the meeting shall nominate one of the members of the Board present to preside.
- (3) All decisions of the Board shall be on the basis of simple majority of the members present and voting.
- (4) No act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board, except where actions are not supported by a quorum.

- (5) The quorum for the meeting of the Board shall be five (5) and each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote. Quorum
- (6) For a meeting of the Board to review any previous decision or order taken by the Board, the quorum shall not be less than five (5) members of the Board present when the decision was taken or the Order was made.
- (7) The board may make standing order relating to the proceedings of the Board or any of its committees.
- (8) The Board shall meet at least once in every quarter of the year or as may be expedient for transactions of business and such meetings shall be held at such places and times as the Board may determine.
- (9) The Chairman may at anytime call special meetings of the Board and also shall do so on being requested in writing by at least four members of the Board.
15. (1) Where a member of the Board, the General-Manager, a member of Staff of the Agency or any person engaged by the Agency has pecuniary interest or other beneficial interest in, or material to, any matter which is to be considered by the Board, the person shall: Disclosure
- (a) disclose to the Board the nature of interest in advance before the consideration of the matter;
 - (b) neither influence nor seek to influence a decision relating to the matter;
 - (c) not take part in the consideration of the matter; and
 - (d) withdraw from the meeting as long as the matter is being discussed or considered and neither vote nor otherwise act in consideration of the matter.
- (2) Any interest that accrued to the member for non-disclosure shall abet.

- (3) Any member who contravenes subsections (1) and (2) of this section commits an offence and is liable to a fine of ₦100,000.00 or two years imprisonment or both.
 - (4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.
16. Where the Agency desires to obtain the advice/services of any person on any matter, the Agency may co-opt such person to be a member for such meeting or meetings as may be required, and any such person while so co-opted shall have all the rights and privileges of a member of the Agency save that he shall not be entitled to vote on any question or count towards a quorum. Power to Co-opt
17. (1) There is a General-Manager for the Agency to be appointed by the Governor. Appointment of General-Manger

(2) The General Manager:

- (a) shall be the Chief Executive of the Agency and shall be responsible to the Board for the successful execution of the entire programmes of the Agency;
- (b) must have a Degree or its equivalent in any agricultural or related field with relevant cognate experience in agricultural project activities; and
- (c) be on such terms and conditions as specified in his letter of appointment.

PART III FINANCIAL PROVISIONS

18. (1) The funds and resources of the Agency shall consist of: Funds and Resources
- (a) all sums, investments or other property vested in the Agency by virtue of the provisions of this Law;
 - (b) such sums or other property as may from time to time be advanced by way of loans or grants to the

- Agency by any Federal, State, or local government, any international organisation, and private foundation or any person whatsoever;
- (c) any investments or other property whatsoever acquired by the Agency;
 - (d) any money allocated to the Agency by the State House of Assembly as budgetary allocation or such other money as may from time to time accrue to the Board; and
 - (e) any other sum accruing to the Agency from any other source.

19. The Agency may accept gifts, grant or donation of land, money or other property from any person upon such terms and conditions acceptable to the Agency.

Power to Accept Gifts

20. The Agency shall apply its funds to defray the following charges:

- (a) the allowances of the members of the Governing Board of the Agency;
- (b) the salaries, remuneration, fees, allowances, pensions of the staff, employees, agents, technical and other advisers or consultants of the Agency;
- (c) such works of a capital nature as the Agency may deem necessary;
- (d) taxes, rates and other levies payable by the Agency under any Law;
- (e) interest on loans raised by and on behalf of the Agency; and
- (f) such other expenditure as the Agency may approve for payment out of the funds of the Agency in respect of any financial year.

21. (1) The Agency shall keep and maintain proper books of accounts and record of all its transactions and activities during each financial year.

Annual Reports

- (2) The Agency shall within two months after the end of each financial year cause the account of the Agency relating to the previous year to be audited by the Auditor-General of the State or by any other person authorized in that behalf by him.
 - (3) The Agency shall within three months after the end of each financial year submit to the Governor an annual report of its activities for that year and shall include in the report a copy of the audited accounts and the comments of the auditor thereon.
22. The Agency shall not later than 30th September in each year, submit to the Commissioner an estimate of its expenditure and income (including payment to the Agency) for the next succeeding year. Budget Estimates
23. (1) The Agency may from time to time, with the approval of the Governor borrow from any person, government or multilateral financial institution, or by overdraft from banks, or in any other manner, money for and in connection with the exercise of its functions under this Law as the Agency may deem necessary. Power to Borrow
- (2) An approval given for the purposes of this section may be either general or limited to a particular borrowing and any specified conditions.

PART IV **MISCELLANEOUS**

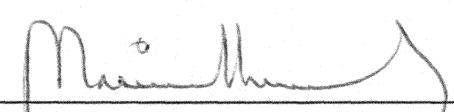
24. (1) No suit shall be instituted in any court against the Agency, a member of the Agency, any staff or other employee of the Agency for any act done in pursuance or execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or authority, unless:
- (a) it is commenced within six months immediately following the act, neglect or default complained; or
- Limitation of Action
Against Agency, Pre-
Action Notice Etc.

- (b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.
- (2) No suit shall be commenced against the Agency or any staff, other employee of the Agency before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff or his agent; and the notice shall clearly and explicitly State the:
- (a) cause of action;
 - (b) particulars of claim;
 - (c) name and place of the abode of the intending plaintiff; and
 - (d) relief which he claims.
25. The notice referred to in subsection (2) of Section 24 of this Law, and any summons, notice or other document required or authorized to be served upon the Agency under the provisions of this Law may be served by delivering the same to the office of the General-Manager at the Principal office of the Agency.
26. (1) No member of the Board or Committee, or any staff of the Agency shall be personally liable for any act or default of the Agency done or omitted to be done in good faith in the course of operations of the Agency.
- (2) (i) The Board may appoint standing or ad hoc committee to perform on behalf of the Board, some of its functions as the Board may determine.
- (ii) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Board) as may be determined by the Board.
- (iii) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

- (3) (i) The Common Seal of the Agency shall not be used or affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meetings;
- (ii) The Secretary shall have custody of the Common Seal of the Agency and be responsible for fixing the Common Seal into any document;
- (iii) The fixing of Common Seal shall be authenticated by the signature of the Chairman and Secretary; and
- (iv) Any document purporting to be a document duly executed under the Common Seal of the Agency shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.
27. (1) The Kaduna State Agricultural Development Project (KADP) existing immediately before the commencement of this Law is hereby dissolved. Dissolution, Transition and Savings
- (2) The statutory functions, rights, obligations and liabilities of the Project in the State existing before the commencement of this Law, under any contract or instrument, whether in Law or in equity, shall by virtue of this Law and without further assurance, be vested in the Agency established under this Law.
- (3) Any such contract or instrument mentioned in subsection (2) of this section, shall be of the same force and effect against or in favour of the Agency established by this Law as the case may be and shall be enforceable against it.
- (4) The Agency established by this Law shall be subject to all obligations and liabilities to which the Project existing before the commencement of this Law was subject, and all persons shall have the same rights, powers and remedies against the Agency as they had under the Project.
28. At the commencement of this Law, all existing Staff of the Kaduna State Agricultural Development Project shall be deemed to be the Staff of the Agency established under this Law.

29. All acts done by Kaduna State Agricultural Development Project (KADP) are deemed to have been done by this Agency.
30. Not notwithstanding anything contained in this law, the Governor may give directions of a general or specific nature to the Agency with respect to the performance of its functions. Direction by the Governor
31. Subject to the provision of the law, the Agency may make regulations for the proper implementation of its objectives. Power to Make Regulations
32. The retirement benefit of the Staff of the Agency shall be in accordance with any Pension Law in force in the State. Pension Rights

DATED AT KADUNA this 9th day of November 2016.



Malam Nasir Ahmad el-Rufai,
Governor, Kaduna State.

EXPLANATORY NOTE

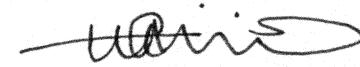
(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to establish the Kaduna State Agricultural Development Agency for the purpose of initiating and execution of agricultural programmes in the State including, but not limited to the functions hitherto performed by the Kaduna State Agricultural Development Project (KADP).

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



UMMA ALIYU HIKIMA Esq.
(Clerk to the Legislature)