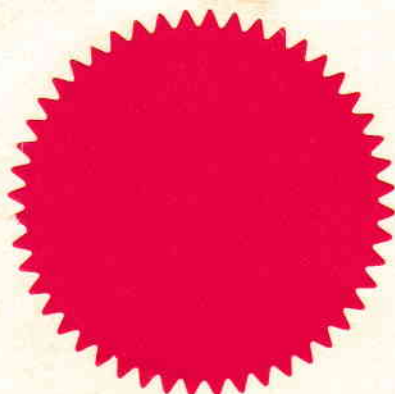


# Kwara State Education Trust Fund Law, 2021

I assent this 14<sup>th</sup> day of October 2021



ABDULRAHMAN ABDULRAZAQ  
Governor,  
Kwara State of Nigeria.

Kwara State of Nigeria

Law No. 6 of 2021

## ARRANGEMENT OF SECTIONS

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# A LAW TO ESTABLISH THE KWARA STATE EDUCATION TRUST FUND AND OTHER RELATED MATTERS

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Date of  
Commencement.

The Kwara State House of Assembly enacts:

1. (1) There is established the Kwara State Education Trust Fund (in this Law referred to as "Fund").

Establishment and  
Incorporation of the  
Fund.

(2) The Fund –

(a) shall be a body corporate with perpetual succession and a common seal;

(b) may sue and be sued in its own name; and

(c) may acquire, hold or dispose of any property or interest in property, movable or immovable for the purpose of carrying out its functions under this Law.

2. The headquarters of the Fund shall be in Ilorin.

Headquarters of the  
Fund.

3. This Law is to establish a Fund to assist the State with financing of education and provide for the management of the Fund and for related matters.

Objectives of the Fund.

4. (1) The functions of the Fund include to-
  - a. provide finance to supplement the provision of education at all levels by the Government;
  - b. ensure successful completion of intervention projects and form a viable and enduring partnership with other relevant stakeholders;

Functions of the Fund.

- c. promote cutting-edge technologies, ideas and organizational skills in education, and ensure that projects are forward-looking as well as responding to present needs;
- d. ensure accountability and transparency in all its undertaking.
- e. provide finance for the purpose of initiating, renovating, rehabilitating and general upgrade of education infrastructure in the State;
- f. provide finance for the development of research and publications in State owned Tertiary Institutions;
- g. provide finance for academic and non academic Staff training and development in the State owned Tertiary Institutions; and
- h. provide finance for any other need which in the opinion of the Board of Trustees is critical and essential for the improvement of quality and maintenance of standards in the Tertiary Educational Institutions in the State.

(2) The Fund shall, before utilization of the amount in the Fund, set aside in each year, an amount not exceeding 5% of the total monies accruing to the Fund in the preceding year, which shall be applied –

- (a) for the of cost administration and management of the Fund;
- (b) for the maintenance of any property acquired by or vested in the Fund and generally to pay for services rendered to the Fund;
- (c) for projects monitoring; and

(d) to meet the needs of the Fund necessary for the due administration and implementation of the purpose of this Law.

5. The Fund shall establish and maintain a fund which shall consist of-

Sources of money  
for the Fund.

(a) such sums as may be appropriated by the State House of Assembly;

(b) all other sums accruing to the Fund by way of grants, gifts, testamentary dispositions, endowments, bequests and donations made to the Fund (particularly from CSR);

(c) income from any investment or other property acquired by or vested in the Fund;

(d) sums equivalent to 5% of the prevailing rate of the Value Added Tax accruing to the State and Local Governments;

(e) monies of the Fund shall vest in the Board and be paid into bank account opened by the Board with the approval of the Accountant-General; and

(f) the five percent of the Value Added Tax (VAT) prescribed in paragraph (d) of this section, one percent Internally Generated Revenue (IGR) of Public Institutions in the State and one percent of fees paid by each of the students in Private Institutions shall within 30days of receipt, be paid directly into the bank accounts opened under paragraph (e) of this section.

6. (1) There shall be established for the Fund, a Board of Trustees (in this Law referred to as the "Board") consisting of –

Establishment and  
Composition of the  
Board of Trustees.



(a) a Chairman who shall have a personal knowledge in Public Finance or other cognate experience of at least 15 years;

(b) the Executive Secretary of the Fund;

(c) three members one each from the three Senatorial Districts in the State, at least one of whom shall be a woman with relevant qualifications;

(d) One from each of the following Ministries/ Agencies not below the rank of a Director who shall be ex-officio members –

(i) Ministry of Tertiary Education,

(ii) Ministry of Education and Human Capital Development,

(iii) Kwara Internal Revenue Service (KW-IRS),

(iv) State Universal Basic Education Board (SUBEB),

(v) State Teaching Service Commission (TESCOM),

(vi) Ministry of Justice, and

(vii) Ministry of Finance;

(e) one representative of the Nigerian Union of Teachers(NUT);

(f) one representative of Parent/Teacher Association (PTA);

(g) one representative of the Civil Society Organizations (CSOs) concerned with education; and

(h) one representative of the State Chamber of Commerce, Industries, Mines and Agriculture (KWACCIMA).

(2) All members of the Board must be indigenes of Kwara State.

(3) All members shall be part-time except the Executive Secretary.

7. The functions of the Board are to –

(a) enter into contracts subject to the directive of the Governor;

Functions of the  
Board.

- (b) acquire, purchase, convey, assign and hold any moveable or immoveable property or any interest in property;
- (c) formulate policies to achieve the functions of the Fund;
- (d) collect or arrange to be collected monies lawfully due to the Fund;
- (e) account for the money of the Fund;
- (f) approve and pay expenditure charged on the Fund under this Law and any other enactment;
- (g) organize fund-raising activities to raise money for the Fund;
- (h) subject to the provision of this Law, exercise and have in respect of the Fund the powers, duties, obligations and liabilities of trustees;
- (i) engage banks and industries on Corporate Social Responsibilities (CSR) in educational sector;
- (j) present its annual report to the House at the end of each financial year;
- (k) perform any other function conferred on it under this Law or incidental to the achievement of the object of the Fund;
- (l) liaise with the appropriate Ministries or Bodies responsible for collection of monies as stated in Section 5 of this Law and ensure same is transferred into the account of the Fund;
- (m) ensure disbursement of funds to various institutions; and
- (n) monitor and evaluate the execution of projects under the Fund.

8. (1) The members of the Board shall be appointed by the Governor.

Appointment of  
Chairman and members  
of the Board.

(2) The Governor shall in appointing the Chairman and other members of the Board under sub-section (1) have regard to the integrity, knowledge, expertise and experience of the persons and in particular their knowledge in matters relevant to the functions of the Board.

9. Subject to the provision of this Law, the Governor may give to the Fund and the Board such directive that is general or specific in nature relating to particular functions and it shall be the duty of the Fund and the Board of Trustee to comply with such directives.

Directives by the  
Governor.

10. (1) There shall be appointed for the Fund an Executive Secretary who shall-

Appointment of the  
Executive Secretary.

(a) be an officer not below grade level 14 in the Kwara State Civil Service;

(b) be appointed by the Governor on such terms as to emolument and conditions of service as the Governor may specify in his letter of appointment and as may from time to time be approved by the Governor;

(c) be a person with relevant academic and professional qualifications;

(d) have a good knowledge of administration; and

(e) be the Chief Executive and accounting officer of the Fund.

(2) The Executive Secretary shall be subject to the general direction of the Board of Trustees and be responsible for-



- (a) the day-to-day administration of the Fund;
- (b) The administration of the secretariat of the Board;
- (c) keeping the books and proper records of the proceeding of the Board; and
- (d) the general direction and control of all other employees of the Fund.

11. The members of the Board shall –

Tenure of Board members.

- (a) be persons of proven integrity; and
- (b) other than ex-officio members shall hold office for a term of 4 years and may be re-appointed for another term of 4 years.

12. (1) The office of the Chairman or member shall become vacant if he –

Removal from office and vacancy.

- (a) resigns his appointment by giving one month notice in writing to the Governor; or
- (b) becomes of unsound mind; or
- (c) becomes bankrupt or makes a compromise with his creditors; or
- (d) is convicted of a felony or any offence involving dishonesty; or
- (e) is guilty of serious misconduct in relation to his duties.

(2) The Chairman or any other member of the Board may be removed from office by the Governor on the occurrence of any of the following –

(a) if he becomes bankrupt;

(b) if he allows his financial or fiduciary interests to come in conflict with the operations of the Board;

(c) if in the case of person possessed of professional qualification, he is disqualified or suspended, other than his own request, from practicing his profession;

(d) if he has been absent from three consecutive meetings of the Board without the permission of–

(i) the Chairman, in case of a member, and

(ii) the Governor, in case of the chairman; or

(e) if in the opinion of the Governor, it is in the interest of the Fund or public that the member be relieved of his membership.

(3) Where an office becomes vacant, the Governor shall appoint a fit and proper person for the remainder of the term of office and the successor shall represent same interest.

13. There shall be paid to every member of the Board, not being an ex-officio member such remuneration, allowances and benefits as may be determined by the Governor.

Remuneration of  
Board members.

14. (1) The Board shall meet every three month, or as considered expedient for effective discharge of its functions.

Meetings of the  
Board.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present shall appoint one of them to preside.

15. (1) The Board may appoint such number of Standing or Ad-hoc Committees as it thinks fit to consider and report on any matter with which the Fund is concerned.

Standing and Ad-hoc  
Committees.

(2) Every Committee appointed under sub-section (1) shall be presided over by a member of the Board and shall be made up of persons, not necessarily members of the Board as the Board may determine in each case.

16. Whenever, in the opinion of the Board, it is expedient or desirable to obtain the service or advice of any person on any matter under consideration by the Board, the Board may co-opt such person at such meeting of the Board as may be requested and such person shall have the rights and privileges of a member, except that he shall not be entitled to vote on any question or be counted towards a quorum.

Power to co-opt.

17. The validity of any proceeding of the Board or its Committee shall not be adversely affected by –

Validity of  
proceedings.

(a) any vacancy in the membership of the Board; or

(b) any reason that a person not entitled to do so, took part in the proceeding.

18. The quorum at the meeting of the Board shall be eleven members of the Board including the Executive Secretary.

Quorum.

19. (1) All questions at a meeting of the Board shall be determined by a majority of vote of members present.

Voting.

(2) At any meeting of the Board, each member shall have a vote and if there is equality of votes, the presiding Chairman shall have a second or casting vote.

20. (1) A member of the Board who has an interest directly or indirectly in any matter being considered or dealt with by the Board shall disclose the nature of that interest at a meeting of the Board with respect to that matter.

Disclosure of interest by members of the Board.

(2) A member who knowingly fails to disclose an interest under subsection (1) and particulars in the proceedings of the Board is guilty of misconduct and shall be liable to forfeit his position on the Board.

21. The Staff of the Fund shall –

Staff of the Fund.

(a) be employed either directly or on transfer or secondment from the State Civil Service such number of staff as may in the opinion of the Board be required to assist the Board and the Executive Secretary in the discharge of their functions under this Law;

(b) the Staff of the Fund shall be Public Servants in the service of Kwara State;

(c) grant pensions and gratuities in accordance with the pension Law of the State.

22. (1) The Fund shall, not later than 30<sup>th</sup> June in each year, submit to the Governor an estimate of its expenditure and income (including estimates of expected payments into the Fund) during the succeeding year.

Annual Estimates and Accounts.

(2) The Fund shall keep proper accounts in a form which conforms to International Public Sector Accounting Standard, and proper records in relation thereto and the accounts shall be audited as provided in subsection (3) of this Section.

(3) The accounts of the Fund shall be audited at the end of each financial year by external auditors appointed by the Fund from a list of auditors provided by the Auditor-General of the State in accordance with the Financial Regulations and the fees of the auditors and the expenses for the audit generally shall be paid from the fund.

23. The Fund shall, not later than 30<sup>th</sup> June in each year, submit its Annual Report to the Governor which shall include details of the activities of the Fund and its administration during the preceding year and the audited accounts of the Fund.

Annual Report.

24. The Board, the Fund and its property shall not be liable to tax by any government or authority in the State and contributions to the Fund shall be recognized for tax purposes as expenditures towards the sustenance of the business of the donor.

Exemption of  
Fund from Tax.

25. (1) The Fund may accept any gift, technical assistance, grant or donation of land, money or other property on such terms and conditions if any, as may be specified by the person or organization making the gift as may be acceptable to the Fund.

Gifts and  
Donations.

(2) The Fund shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the objectives and functions of the Fund under this Law.

26. (1) The common seal of the Board 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.

Common Seal.



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

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

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

27. In this Law-

Interpretation.

"Accountant-General" means the Accountant-General of the State;

"Auditor-General" means the Auditor-General of the State;

"Board" means the Board of Trustees of the Fund established under section 6 of this Law;

"Chairman" means the Chairman of the Board;

"CSR" means Corporate Social Responsibility to be undertaken by corporate bodies and companies in the State for the benefit of the State;

"Civil Society Organizations" include Non-Governmental Organizations (NGOs) or other Civil and Professional bodies that operate within the State;

"Employee" means any person who is employed in Nigeria under any contract of service or apprenticeship with the employer, whether contract is express, implied, oral or in writing;

"Fund" means Kwara State Education Trust Fund establishment under section 1 of this Law;

"Functions" include powers and duties;

"Government" means the Government of Kwara State;

"Governor" mean the Governor of Kwara State;

"House" means the Kwara State House of Assembly;

"Private Institutions" means primary, secondary and tertiary institutions owned by private individuals, group or corporate Organizations;

"Public Institutions" means Kwara State-owned tertiary Institutions;


"State" means Kwara State of Nigeria.

28. This Law may be cited as the Kwara State Education Trust Fund Law, 2021.

Citation.

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

  
Clerk to the House