

**A LAW TO ESTABLISH THE KADUNA STATE SECURITY TRUST FUND
AND FOR OTHER MATTERS CONNECTED THERETO**

TABLE OF CONTENTS

Arrangement of Sections

PART I

PRELIMINARY

1. Short Title;
2. Commencement;
3. Interpretation;

PART II

ESTABLISHMENT OF THE SECURITY TRUST FUND AND THE BOARD OF TRUSTEES

4. Establishment of the Fund;
5. Objectives of the Trust;
6. Establishment of the Board of Trustee;
7. Composition of the Board;
8. Tenure of Office of Members;
9. Remuneration;
10. Cessation of Membership;

PART III

FUNCTIONS OF THE BOARD

11. Functions of the Board;

PART IV

SOURCES AND ALLOCATION OF FUNDS

12. Sources and Allocation of Fund;

PART V

STAFF OF THE FUND

13. Appointment of Executive Secretary and other Staff;
14. Meetings;
15. Declaration of Interest;

PART VI

FINANCIAL PROVISIONS

16. Account and Audit of the Trust Fund;
17. Annual Report;

PART VII

MISCELLANEOUS PROVISIONS

18. Pre-action Notice;
19. Public Officer Protection Law;
20. Common Seal.

**A LAW TO ESTABLISH THE KADUNA STATE SECURITY TRUST FUND
AND FOR OTHER MATTERS CONNECTED THERETO**



Kaduna State of Nigeria

Law No. 22.....2018

(1st September 2018)

Date of commencement

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

Enactment

**PART I
PRELIMINARY**

1. This Law may be cited as the State Security Trust Fund Law, No..... of 2018

Short Title

2. This Law shall come into operation on the^{1st}.....day of September.....2018

Commencement

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

Interpretation

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

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

"Board" means the State Security Trust Fund Board of Trustee;

"Chairman" means chairman of the Board;

"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 State Security Trust Fund established under this Law;

"Governor" means the Governor of the State;

~~"Security Council" means the executive body responsible for security matters in the State;~~

"State" means Kaduna State of Nigeria.

PART II

ESTABLISHMENT OF THE SECURITY TRUST FUND AND THE BOARD OF TRUSTEES

4. There is established a fund to be known as the State Security Fund ("referred to in this Law as "the Fund"), which shall be the depository of all monies received under this Law. Establishment of the Fund

5. The objectives of the Fund shall be to provide money for the acquisition and deployment of security equipment and such human, material and financial resources as shall be necessary for the effective functioning of all Federal, State, Local Government and other security agencies operating in the State and part of the Fund shall be reserved for the training and retraining of security personnel. Objectives of the Trust

6. (1) There is established a Board of Trustees to be known as the State Security Trust Fund Board of Trustees (referred to in this Law as ("The Board")). Establishment of the Board of Trustee

(2) The Board shall –
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name;
 - (c) be capable of holding, purchasing, acquiring of any property moveable and immoveable;

7. (1) The Board shall consist of the following members-
- (a) A Chairman who possesses the requisite qualification to contest for the office of Governor of a State and shall be a person of impeccable character,
 - (b) Three (3) members to be appointed from the private sector to represent the business and financial community at least one of whom shall be a woman,
 - (d) The Permanent Secretary of the ministry responsible for:
 - (i) Finance,
 - (ii) Justice.
 - (e) A representative of each of the following security agencies operating in the State-
 - (i) Nigeria Police Force;
 - (ii) Nigeria Armed Forces (Nigerian Army, Nigerian Air force, Nigerian Navy)
 - (iii) State Security Service;
 - (iv) Nigeria Security and Civil Defence Corps;
 - (v) Nigeria Immigration Service;
 - (vi) Nigeria Prison Service;
 - (vii) Vigilance Service in the State, and
 - (viii) One representative of the State Council of chiefs.
- (2) The Chairman and other members shall be appointed by the Governor subject to the confirmation of the State House of Assembly;

Provided that no new appointment shall create a need for a new conveyance or assignment of any interest in land or chattel or affect the right to recover any debt that is subject of the Trust Fund.

(3) Any certificate signed by or on behalf of the Governor which gives the names of the Chairman and members of the Board on a specified date is deemed to state accurately the names of persons who constitute the Board on the date so specified.

8. The Chairman and members of the Board shall hold office for a term of four (4) years and shall be eligible for re-appointment for another term of four (4) years only. Tenure of Office of Members
9. The Chairman and other members of the Board shall be paid such remuneration and allowances as the Governor may determine from time to time. Remuneration
10. (1) The Chairman or a member of the Board shall cease to hold office if he: Cessation of Membership
- (a) resigns his appointment by giving two months notice in writing to the Governor;
 - (b) becomes of unsound mind;
 - (c) becomes a bankrupt or makes a compromise with his creditors;
 - (d) is convicted of a felony or any offence involving dishonesty;
 - (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, if he is satisfied that it is not in the interest of the Fund or the interest of the public that the Chairman or such a member should continue in office.

- (3) Any vacancy shall be filled in the same manner as the original Appointment for the remainder of the term.

**PART III
FUNCTIONS OF THE BOARD**

11. (1) The functions of the Board shall be to-

Functions of the Board

- (a) manage the Fund established under this Law and all other properties that may from time to time be vested in it for the benefit of the people of the State;
- (b) procure and maintain equipment, including but not limited to patrol vehicles, communication equipment, armored personnel carriers, water cannons, protection vans, unimogs, lorries, recovery vehicles and helicopters as may be required for use in the State by Federal, State and Local Government Security Agencies after the necessary approval must have been obtained from appropriate agencies;
- (c) Establish and maintain a central logistic base for equipment, vehicles, and other necessities for use by the Federal, State and Local Government Security Agencies and such other squad, force or programme as may be approved or recognized from time to time by the State Government.
- (d) Take out and maintain all such policies of insurance as it may deem expedient for the protection of the fund property;
- (e) ~~Reward any deserving security officer, person or group as may be determined by the board;~~ *X cancelled*
- (f) Pay or reward any person for services rendered or to be rendered;
- (g) Pay and discharge out of the Trust property all expenses properly incurred by it or by any of its members in the course of the discharge of official duties;

- (h) Ensure that at all times in the management of the Fund that the Fund shall have sufficient money and materials to offer support for the protection of lives and property in the State;
- (2) The Board shall also carry out-
- (i) any matter relating to the implementation of programmes and recommendation of the State Security Council or other similar agencies;
 - (ii) any matter connected with security and law enforcement in the State; and
 - (iii) any matter relating to the welfare of law enforcement personnel in the State.
- (3) The Board shall invest any part of the Trust property which consist of money in a fixed deposit in any reputable bank in Nigeria, provide that a receipt in writing issued by the Chairman and two other members of the Board for any money, security or other personal property or effects paid, transferred or delivered to the Board shall be sufficient discharge to the person or company paying, transferring or delivering the same and shall effectively exonerate such person or company from seeing to the application or being answerable for any loss or misapplication.

merge
merge

PART IV
SOURCES AND ALLOCATION OF FUNDS

12. (1) The Board shall have power to raise money for the Fund through voluntary subscription and donations from all interested Government Agencies, Private Organizations and Individuals, including but not limited to –
- (a) State Government subventions;
 - (b) Contributions from the Federal Government and Local Government Councils;

Sources and Allocation of Fund

- (c) Financial and material donations from the private sector, including provision of vehicle maintenance services, logistics support, street lighting, surveillance equipment, road infrastructure and environmental beautification;
 - (d) Other financial or material aid, gifts, award;
 - (e) 1% of land Use charge accruable to the State;
 - (f) Quarterly contributions from trade associations including the National Union of Road Transport Workers (NURTW), National Association of Road Transport Owners (NARTO), Independent Petroleum Marketers Association of Nigeria (IPMAN), Petroleum Tanker Drivers (PTD), National Union of Petroleum and Natural Gas Workers (NUPENG) and other allied associations and ~~Registered Security outfits~~ operating in the State; and
 - (g) Any other form of levy or support from any other source.
- (2) In deploying its fund and other resources, the Board shall give preference to programmes which appear likely to-
- (a) discourage small arms proliferation;
 - (b) reduce incidents of violent crimes;
 - (c) eliminate the menace of Area Boys/Street Urchins;
 - (d) stamp out the use of motorcycle and commuter buses for criminal activities;
 - (e) improve the efficiency of security system and law enforcement agencies operating in the State; and
 - (f) guarantee the overall security of lives and property in the State.
- (3) Notwithstanding anything in subsection (2) of this section, the Board shall have the discretion to determine

the appropriate allocation of Trust Funds and property among security agencies operating in the State and to exercise its powers in such manner as it considers fit towards achieving any of its objectives under this Law.

PART V

STAFF OF THE FUND

13. (1) There shall be for the Fund an Executive Secretary who shall :-
- (a) be appointed by the Governor on such terms as to emolument and conditions of service as he may specify;
 - (b) be a person with relevant academic and professional qualification;
 - (c) have a good knowledge of administration;
 - (d) be the Chief Executive and accounting officer of the fund;
 - (e) hold office for a period of five (5) years in the first instance; and be eligible for re-appointment for a further term of five (5) years only;
- (2) The Executive Secretary shall, subject to the general direction of the Board of Trustees, 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 proceedings of the Board; and
 - (d) for issuing notice of meetings to all members; and
 - (e) the general direction and control of all other employees of the Fund.
- (3) The Board shall, subject to the approval of the State Executive Council have power to:

Appointment of Executive Secretary and other Staff

- (a) employ either directly or on transfer or secondment from the State Civil Service such number of employees 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; and
 - (b) pay to persons or employees such remuneration and allowances as may be approved by the Governor on the recommendation of the Board.
- (4) Employees in the Fund shall be entitled to pension, and other retirement benefits as are enjoyed by persons holding equivalent grades in the Civil Service of the State.
 - (5) Nothing in subsection (4) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and other retirement benefits in respect of that office.
 - (6) The Board may also appoint consultants or enter into contracts as it deems necessary for the efficient performance of its functions under this Law.
14. (1) The Board shall meet at least once in a month and extraordinary meetings may be convened in case of exigencies. Meetings
- (2) The Chairman may convene any meetings of the Board as he considers necessary for the efficient conduct of its affairs; provided that the Chairman or in his absence, a member present shall preside at such meeting.
representing private sector
- (3) where the chairman is unable or refuses to call a meeting for any reason, the Executive Secretary shall have the power to call for a meeting on the directives of a simple majority of members of the Board and any decision taken at such meeting is deemed to have been taken by the Board;
- (4) A minimum of ~~Simple Majority~~ ⁷ Members shall form the quorum for a meeting;

- (5) Any issue arising at a meeting of the Board shall be determined by a simple majority of the votes of the members present and voting.
 - (6) The Chairman presiding shall have a deliberative vote and in the event of an equality of votes on any issue a casting vote.
 - (7) Subject to this Law, the Board may regulate its own proceedings.
15. (1) If a member has any interest in a matter which he is considering or is about to consider in the course of performing his duties as a member, he shall as soon as practicable after the relevant facts have come to his knowledge declare the nature of that interest to the Board.
- (2) Unless the Board by a simple majority of members present and voting otherwise directs, if a member has made a declaration under this section, the member shall not take any further part in any decision in relation to the matter.
- (3) Failure to comply with this section may render the validity or decision of the Board void.

Declaration of Interest

PART VI FINANCIAL PROVISIONS

16. (1) The Trust Fund shall establish and maintain a fund to cater for any expenditure incurred by it.
- (2) The Fund shall be credited with:
- (a) all such monies as may, from time to time be approved or appropriated by the State House of Assembly;
 - (b) all monies raised for the benefit of the Trust Fund by way of gift, loan debenture, grant-in-aid, or otherwise; and

Account and Audit of
the Trust Fund

- (c) all fees and charges for services rendered by the Trust Fund.
- (3) The Fund shall be managed in accordance with the rules made by the Trust Fund which shall, in particular, contain the following provisions:
- (a) all expenditure shall be subject to the approval of the Governor;
 - (b) the signatories to the account shall be;
 - i. the Chairman and the Executive Secretary;
 - ii. a Senior member appointed from the private sector of the Board;
 - (c) keeping of proper accounts and records for the purposes of the Fund in such form as may be specified;
 - (d) periodic audit of the Fund accounts by an auditor approved by the State Auditor-General; and
 - (e) requiring copies of the accounts and of the auditor's report thereon to be furnished to the Executive Council within three (3) months after the end of the period to which the accounts relate.
- (4) The Board shall –
- (a) cause to be prepared not later than ~~30th day of June~~ ^{31st Day of Oct} in each year, an estimate of income and expenditure of the Fund;
 - (b) cause the account to be audited annually by external auditors appointed by the Board from a list of approved auditors provided by the Auditor-General of the State;
 - (c) submit to the Governor and Accountant-General, a
 - (i) copy of the audited account of the Board

- (ii) copy of the general report and full report of the external auditor;
- (iii) detailed report of the state of affairs of the Board for the financial year, including a statement of the change in the general Fund arising from the activities of the Board during the year reported upon.

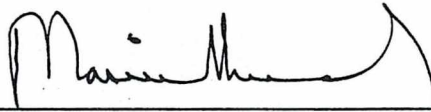
17. (1) The Board shall cause to be prepared and submitted an annual report of its activities to the Governor in accordance with the provisions of this Law. Annual Report
- (2) The Board shall publish its annual report in two national daily newspapers circulating within the State and on the internet.

**PART VII
MISCELLANEOUS PROVISIONS**

18. (1) No proceedings shall be commenced against the Fund, before the expiration of one month after written notice of intention to commence the suit, shall have been served on it. Pre-action Notice
- (2) The notice referred to in subsection 1 of this section shall clearly and explicitly state the cause(s) of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief(s) which he claims.
19. The provisions of the Public Officers Protection Law, Laws of Kaduna State 1991 shall apply in relation to any suit instituted against the Fund or its employees. Public Officer Protection Law
20. (1) The Common Seal of the Fund shall be such as may be determined by the Board of Trustees, and the affixing of the common seal shall be authenticated by the signatures of the Chairman and the Executive Secretary, or of some other Member(s) authorised generally or specifically by the Board to act for that purpose. Common Seal
- (2) Any document purporting to be a document duly executed under the common seal of the Fund shall be

received in any Court and shall, unless the contrary is proved, be deemed to be so executed.

DATED AT KADUNA this^{1st}..... day of September..... 2018.



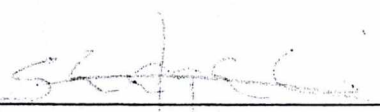
Malam Nasir Ahmad el-Rufa'i,
Governor, Kaduna State.

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 Security Trust Fund for the acquisition and deployment of Security equipment, and training and retraining of Security personnel.

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)



BELLO ZUBAIRU IDRIS Esq.

(Clerk to the Legislature)