



**IMO STATE OF NIGERIA**  
**LAW NO. 37 OF 2019**

**IMO STATE EMPLOYMENT AND EMPOWERMENT TRUST FUND LAW.**

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IMO STATE OF NIGERIA

LAW NO. 37 OF 2019

A BILL FOR A LAW TO PROVIDE FOR THE ESTABLISHMENT  
OF IMO STATE EMPLOYMENT AND EMPOWERMENT TRUST  
FUND AND FOR OTHER RELATED MATTERS.

*Long Title*

BE IT ENACTED by the House of Assembly of Imo State as  
follows –

*Enactment*

**PART I – PRELIMINARY**

1. This Law may be cited as the Imo State Employment and  
Empowerment Trust Fund Law, 2019 .

*Citation*

2. In this Law, unless the context otherwise requires –

*Interpretation*

“Board” means the Board of Trustees established under  
this law;

“Beneficiaries” mean indigenes and residents of the State  
who are deserving of employment and empowerment;

“Imo State Directorate of Employment” means the Agency  
set up by the Imo State Directorate of Employment Edict  
No.7 of 1991;

“Director General” means the Chief Executive of the Fund;

“Entrepreneur” means a person who operates a business  
venture and assumes the associated risk;

“Ex-officio members” mean employees of the State  
appointed as members of the board;

“Financial year” means the period of twelve (12) months  
adopted as financial year by the State Government;



"Fund" means the Imo State Employment and Empowerment Trust Fund established under this Law;

"Governor" means the Governor of Imo state;

"Government " means Imo State Government;

"State "means Imo State of Nigeria.

**PART II - ESTABLISHMENT OF IMO STATE EMPLOYMENT AND EMPOWERMENT TRUST FUND, OBJECTIVES, ETC**

3. There is established, a Fund to be known as the Imo State Employment and Empowerment Trust Fund (referred to in this Law as the "the Fund").
4. The objectives of the Fund shall be to-
  - (a) provide logistics, financial support, job and employment opportunities and wealth creation initiatives, where possible, to indigenes and residents of the State, in order to tackle the problem of unemployment and give equal opportunities to all citizens, to be engaged in productive work in a conducive environment.
  - (b) articulate, design and implement self-employment generating programs that will form the basis of a self-reliant state economy and reduce mass unemployment of youths in the State:
  - (c) scout for jobs within and outside Imo State and encourage inter-state labour mobility;
  - (d) collaborate with relevant agencies including donor groups, Non- Governmental Organisations to articulate, design and implement training programs aimed at manpower development and vocational skills acquisition in trades considered relevant to growth of the State economy;
  - (e) organise and undertake empowerment schemes, programmes and projects for Imo State women, youths and other groups; and

*Establishment  
of the Board*

*Objectives of  
the Fund*



- (f) liaise with and co-ordinate the employment generation programs of other agencies in the State and Federal Government.

### PART III – ESTABLISHMENT OF THE BOARD OF TRUSTEES FOR THE FUND, COMPOSITION, FUNCTIONS, ETC

- 5.(1) There is established, a Board of Trustees to be known as the Imo State Employment and Empowerment Trust Fund Board of Trustees (referred to in this law as "the Board").

*Establishment  
of the Board of  
Trustees*

- (2) The Board –
  - (a) shall be a body corporate with perpetual succession and a common seal;
  - (b) may sue or be sued in its corporate name; and
  - (c) may acquire, hold, manage and dispose of property for the purposes of discharging its functions under this Law.

- 6.(1) The Board shall consist of –

*Composition  
of the Board*

- (a) a Chairman who shall –
  - (i) be a non-executive member of the Board;
  - (ii) be a person of impeccable character, with requisite knowledge and cognate experience in management;
- (b) the Director-General who shall be –
  - (i) the Chief Executive and Accounting Officer of the Fund;
  - (ii) a person of impeccable character with requisite knowledge and cognate experience in management;
- (c) the secretary to the Fund who shall be a legal practitioner with not less than ten (10) years post call experience or a State Counsel to be drafted from the Ministry of Justice not below the rank of a Principal State Counsel (Grade Level 12) to be charged with –
  - (i) keeping the books and proper records of the proceedings of the Board;
  - (ii) handling the administration of the secretariat of the Board;



- (iii) summoning meetings of the Board as may be directed by the chairman; and
  - (iv) carrying out such other assignments as the Board or Director – General may determine.
- (d) a representative of the Ministry or Office responsible for Labour matters ;
  - (e) a representative of the Ministry responsible for Finance;
  - (f) a representative of the Ministry responsible for Technology;
  - (g) a representative of the Ministry responsible for Agriculture;
  - (h) a representative of the Ministry responsible for Youth Affairs;
  - (i) a representative of the Ministry responsible for Gender Affairs;
  - (j) a representative of the Civil Society;
  - (k) a representative of the Organised Labour; and
  - (l) four (4) other members appointed from the private sector to represent the Business and Financial Community.
- (2) The Chairman and members of the Board other than the Ex-officio members shall be appointed by the Governor subject to the confirmation of the House of Assembly.
7. The chairman and members of the Board other than the Ex-officio members shall hold office for a period of four(4) years and may be eligible for re-appointment for one more term of four years and no more.
8. The functions of the Board of trustees shall be to –
- (a) reduce the rate of unemployment in the State,
  - (b) encourage the development of various job creation opportunities;
  - (c) devise ways and means of raising contributions and donations for the Fund as it may deem fit or to generate money for the Fund, pursuant to the provisions of the law;
  - (d) manage the Fund established under this Law in

*Tenure of office*

*Functions of the Board*



- accordance with the objectives of the Fund;
- (e) sensitize the generality of the people of the State towards the cause of the Fund;
  - (f) acquire and maintain assets for an on behalf of the Fund, including but not limited to all kinds of machines, equipment, properties, gadgets, instruments, tools, vehicles, trucks and stationeries to be distributed to beneficiaries;
  - (g) take out and maintain all such policies of insurance as it may deem expedient for the protection of the property of the Fund;
  - (h) disburse funds to beneficiaries for the purpose of carrying out activities in line with the objectives of the Fund;
  - (i) ensure that disbursed funds are expended for the purpose for which they are disbursed;
  - (j) Pay or reward any person for services rendered or to be rendered to it;
  - (k) Pay and discharge out of Fund property, all expenses properly incurred by it;
  - (l) ensure that at all times, the management of the Fund shall have sufficient money and materials to create an enabling competitive environment for beneficiaries of the Fund;
  - (m) ensure that the beneficiaries of the Fund repay any loans and accrued interest that may be extended to them within the stipulated period;
  - (n) collaborate with other institutions to train Imo State indigenes especially women and youths for skill acquisition and employment purposes.
  - (o) liaise with and coordinate with all Ministries, Departments and Agencies of Government whether Federal, State or Local Government on employment matters, including the National Directorate of Employment;
  - (p) encourage women and youths to engage in agriculture and technology for self employment and poverty alleviation.



- (q) provide job placement and secondment centres or platforms for job search;
- (r) maintain a data base of unemployed Imo State indigenes and database of available jobs and employment opportunities and inform applicants for jobs.
- (s) advise the Governor on the activities and any matter relating to the implementation of programs and recommendation of the Board; and
- (t) do such other things which in its opinion is expedient for the performance of its function under this Law.

9.(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 (2) months notice in writing to the Governor;
- (b) becomes unfit or unable to discharge the functions of his office either by reason of infirmity or mental incapacity;
- (c) is convicted of a felony involving dishonesty or moral turpitude;
- (d) becomes bankrupt or makes a compromise with his creditors; and
- (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 in the public interest that the Chairman or such a member should continue in office.

10. The Chairman and other members of the Board shall be paid such remuneration and allowances as the Governor may determine.

*Remuneration*

11.(1) The Board may make Standing Orders regulating the proceedings of the Board or any Committee thereof.

*Meeting and  
Proceedings  
of the Board*



- (2) Subject to the provisions of the Standing Orders, the Board shall meet whenever summoned by the Chairman; the Chairman shall also summon a meeting of the Board if a written notice is given to him signed by not less than one-third of Members asking that such a meeting be summoned and such a meeting shall be held within 14 days from the date the notice is given.
- (3) The Chairman shall preside at any meeting of the Board but in his absence, the members present shall appoint any of its members to preside at that meeting.
12. A minimum of one-third of members shall form the quorum for a meeting. *Quorum*
13. The common seal of the Board shall be as may be determined by the Board and the affixing of the seal shall be authenticated by the signatures of the Chairman or Director General and any other officer authorised by the Board to act for that purpose. *Seal of the Board*
14. The Board may appoint one or more sub-committee(s) to carry out on behalf of the Board, such of its functions as the Board may determine. *Appointment of the Committees*
- (1) The board may co-opt persons who are not members of the Board to any meeting of the Board or any sub-committee and such person may take part in the deliberation of the Board or any sub-committee but shall be entitled to vote at the meeting of the Board or any it's sub-committees.
- 15.(1) Any issue arising at the meeting of the Board shall be determined by a majority of the votes of the members present and voting. *Voting*
- (2) The person presiding shall have a deliberative vote and, in the event of an equality of votes on any issue, a casting vote.

16. Any member of the Board or its committees who has an interest in any contract or agreement entered into or proposed to be considered by the Board or committee shall disclose such interest and shall not vote on any question relating to the contract or agreement. Unless the Board by a simple majority of members present and voting directs otherwise.

*Disclosure of Interest*

#### PART IV – FINANCIAL PROVISIONS

- 17.(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) take off Fund as may be determined by the Governor;
  - (b) donations to Imo State Government for the Empowerment of SMEs in Imo State;
  - (c) contributions from the Federal Government and Local Government Councils in the State;
  - (d) financial or material donations from any person whether corporate or otherwise including Non-Governmental Organisations, Foundations, International Multilateral Agencies and donor groups;
  - (e) such sums accruing to the Board by way of testamentary dispositions;
  - (f) other financial or material aids, gifts, awards; and
  - (g) any other form of levy or support from any other source.
- (2) In deploying its funds and other resources, the Board shall give preference to programs geared towards more jobs and wealth creation.
- (3) The Fund shall not accept any gifts, aids or awards if the conditions attached thereto are at variance with its objectives.

*Financial Provisions for the Fund*

- 18.(1) Beneficiaries of the Fund shall be indigenes and residents of the State.
- (2) Beneficiaries shall be any of the following –
- (a) entrepreneurs desirous of starting and expanding their businesses;

*Eligibility of Beneficiaries*



- (b) persons who are interested in acquiring and upgrading their skills; and
  - (c) skilled persons interested in re-skilling from informal to formal sector.
- (3) Beneficiaries shall comply with any other condition(s) that may be stated in the Regulations made pursuant to this Law.

**PART V – STAFF APPOINTED OR EMPLOYED BY THE BOARD, PENSIONS, ETC**

19.(1) The Board shall maintain accounts with any bank approved by the State.

*Accounts and  
Audit of the  
Board*

- (2) The signatories to the said account shall be the Director-General and any other officer or officers that may be approved by the Board.
- (3) The Board shall keep proper accounts and records in relation to all its transactions in conformity with standard practice.
- (4) The Board shall –
  - (a) cause to be prepared not later than 31<sup>st</sup> day of October 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, the Public Accounts Committee of the House of Assembly and the Accountant General –
    - (i) a copy of the audited account of the Board;
    - (ii) a copy of the general report and full report of the external auditor;
    - (iii) a 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 Board during the year reported upon.

- 20.(1) The Board shall cause to be prepared and submitted, an annual report of its activities to the Governor through the Director -General not later than 31<sup>st</sup>December in each year.
- (2) The annual report shall include a copy of the audited accounts of the Fund for the year and the auditor's report on those accounts.
- (3) The Board shall publish its annual report in one national and two local daily newspapers circulating within the State.
21. The Fund and its properties 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 expenditure towards the sustenance of the donor's business.
- 22.(1) The Board shall have power to –
- (a) employ new staff and also to request for the deployment of other staff either directly or on transfer or secondment from the State Public Service, such number of employees as may in the opinion of the Board be required to assist the Board in the discharge of their functions under this Law; and
- (b) pay persons so appointed or employed, such allowances as may be approved by the Governor.
- (2) The Board may also appoint consultants(s) or enter into contract(s) as it may deem necessary for the efficient performance of its functions under this Law.
- (3) The allowances of the employees of the Board shall be determined by the Board subject to the approval of the Governor.
- 23.(1) The rights of the employees of the Fund to receive pension shall be regulated by the Imo State Pensions Reforms Law or any other law in existence.
- (2) Employees of the Fund shall be entitled to pension and other retirement benefits as are enjoyed by persons holding equivalent grades in the State Civil Service.

Annual Report

Exemption of  
the Fund from  
Tax

Staff of the  
Board

Pension  
Rights



**PART VII – MISCELLANEOUS PROVISIONS**

25. In administration of the Fund and in making determinations under the provisions of this Law, the Board shall conduct the affairs of the Fund transparently. *Transparency*
26. No execution or attachment of process shall be issued against any property vested in the Board except with the prior knowledge and consent of the Attorney-General of the State. *Restriction on Execution*
- 27.(1) The Board by resolution may authorize any person or staff to appear before any court or in any legal proceedings. *Representation of the Board*
- (2) Any person authorized under subsection (1) of this section may institute and carry on proceedings in the name and on behalf of the Board.
28. The Board shall have power to make Regulations subject to the approval of the Governor for carrying into full effect the provisions of this Law and for due administration of its provisions. *Power to make Regulations*
- 29.(1) The statutory functions, rights, obligations and liabilities of the Imo State Directorate for Employment before the commencement of this Law under any contract or instrument by virtue of this law shall be assigned to and shall vest in the Commission. *Savings and Transitional Provisions*
- (2) All assets, funds, resources and any other movable or immovable property which immediately before the commencement of this law, were in the Imo State Directorate for Employment shall from the commencement of this Law, vest in the Commission.
- (3) The Board shall determine on a case by case basis which employees in the defunct Imo State Directorate for Employment to absorb into the Trust Fund, and the remaining officers shall revert to the office of Head of Service of Imo State for redeployment to any other Ministry, Department or Agency of Imo State government.



## PART VI – OFFENCES AND PENALTIES

- 24.(1) Any person who without lawful authority levies or accepts any contribution from any person, purporting such contribution to be made for the purpose of this Law commits an offence and shall be liable on conviction to a fine of Five Hundred Thousand Naira (N500,000.00) or two (2) times the value of collections received whichever is greater, or to imprisonment for two (2) years or to both.
- (2) Any person who makes a false statement or misrepresents the facts in order to gain monetary or any form of benefit under this law commits an offence and shall be liable on conviction to a fine or two (2) times the value of the disbursed funds and or forfeiture of fund property in his care and to any non-custodial sentence.
- (3) Any person who misappropriates funds for the purposes other than that for which it was disbursed commits an offence and shall be liable on conviction to a fine of two (2) times the value of the disbursed funds and to imprisonment for (2) years.
- (4) Where an offence under this Law is committed by a body corporate or firm or other association of individuals-
- (a) every director, secretary or other similar officer of the body corporate;
  - (b) every partner of the firm;
  - (c) every person concerned in the management of the affairs of the association; or
  - (d) every person purported to act in any such capacity specified under this section, shall severally be guilty of that offense and shall be liable to be proceeded against and punished for the offence in like manner as if he had committed the offence himself unless he proves that the act or omission constituting the offense himself unless he proves that the act or omission constituting the offense took place without his knowledge, consent or connivance.

*Offences and  
Penalties*




30.(1) The Imo State Directorate for Employment Edict NO.7 of 1991 is repealed.

Repeal of  
Edict No.7 of  
1991


(2) Any other Law in Imo State inconsistent with the provisions of this Law shall to the extent of inconsistency be null and void.

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

  
BARR. CHINELO ADAORA EMEGHARA  
Clerk of the House of Assembly  
Imo State of Nigeria

Assented to by me this 4TH day of DECEMBER, 2019



  
RT. HON. EMEKA IHEDIOHA CON, KSC  
Governor  
Imo State of Nigeria

Assent withheld by me this ..... day of ....., 2019

RT. HON. EMEKA IHEDIOHA CON, KSC  
Governor  
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this .....  
Day of ....., 2019.



RT. HON. DR. CHIJI CHIMEZIE COLLINS  
Speaker  
Imo State House of Assembly