



# CROSS RIVER STATE OF NIGERIA

LAW NO. 17 2007

*A Law to establish the Cross River State Rural Development Agency and matters connected therewith.* Long Title

( ) Commencement.

BE IT ENACTED by the Cross River State House of Assembly as follows – Enactment.

## **PART I ESTABLISHMENT OF THE CROSS RIVER STATE RURAL DEVELOPMENT AGENCY**

1. (1) There is hereby established an agency to be known as the Cross River State Rural Development Agency (in this Law referred to as “the Agency”). Establishment of the Agency.

(2) The Agency –

(a) shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

(3) The Agency shall have the following structure –

(a) a Joint Consultative Board; and

(b) Administrative structure.

2. (1) There is hereby established for the supervision of the Agency a Joint Consultative Board (in this Law referred to as “the Board”), which shall consist of – Establishment and membership of the Board.

(a) The Governor of the State as Chairman;

(b) The Chairmen of all Local Government Councils in the state as members.

(2) The Chairman and Members of the Board shall function in an advisory and consultative capacity and shall not be entitled to any remuneration.

(3) The Board shall discuss general policy directions for the Agency and advise the management of the Agency on the implementation of programmes.

## **PART 11 FUNCTIONS AND POWERS OF THE AGENCY**

3. The functions of the Agency are to -

Functions of the Agency.

(a) undertake the development and maintenance of rural infrastructure including Rural Feeder Roads, Rural Water Supply facilities, Rural Health and educational infrastructure;

(b) mobilize rural communities to enhance their participation in, and co-operation with agencies involved in, rural development;

(c) liaise with other Agencies concerned with the provision of rural infrastructure and other amenities; and

(d) carry out such other functions as the Governor may, from time to time, direct the Agency to undertake

General Powers of the Agency.

- 4. (1) In the discharge of its duties under this Law, the Agency shall have powers to -
  - (a) engage such persons, staff, and other workers or such contractors as the Agency may require for the efficient and effectual performance of its functions;
  - (b) establish and operate such organizational structure as may be approved by the Governor and to make such alterations as may become necessary, subject to the prior approval of the Governor, as the Agency may require for the performance of its functions;
  - (c) conduct research into any aspect of rural development and provision of facilities and infrastructure for rural communities;
  - (d) make, draw, accept or endorse negotiable instruments;
  - (e) enter into such contracts and perfect such assurances as the Agency may require for the performance of its functions;
  - (f) upon terms and conditions as approved by the Governor, insure such of its property and assets as may be considered necessary;
  - (g) do such other things and acts as the Agency may consider supplementary, ancillary or incidental to its functions.

Appointment of Committees.

5. (1) Subject to the provisions of this section, the Board may appoint one or more committees to advise on any matter relating to the function of the Agency which in the opinion of the Board would be better regulated or managed by means of a committee, and may delegate to the committee so appointed, with or without restrictions or conditions, any function of the Board under this Law.

(2) The number of members of any committee appointed under this section, the Chairman of the committee, the terms of office and remuneration of the members shall be such as the Board may specify.

(3) Any committee appointed under this section may include, with the approval of the Governor, persons who are not members of the Board but who possess such special qualification or experience as in the opinion of the Board would be beneficial to the work or purpose of the committee.

Provided that the majority of the members of such committee shall be members of the Board or officers of the Agency.

Power of Governor to give directions.

6. (1) The Governor may give to the Agency such general directives as to the performance by the Agency of its functions under this Law as may be necessary to ensure conformity with the policy of the Government with respect to rural development, and the Agency shall give effect to such directives.

(2) The power conferred by subsection (1) of this section on the Governor shall include power to give directives regarding the budget and expenditure of the Agency.

**PART III - MANAGEMENT AND STAFF OF THE AGENCY**

Appointment of Director-General and Directors.

7. (1) The management of the Agency shall be headed by a Director-General, who shall also serve as the Secretary of the Board, to be appointed by the Governor.

(2) The Director-General shall be assisted by Directors who shall be appointed by the Governor and shall be deployed as heads of departments of the Agency to be created on the Governor's approval.

(3) Where the Director-General or a Director is appointed from outside the state civil service, the remuneration and conditions of service of such officer shall be equivalent to that of a Permanent Secretary or Director respectively in the state civil service.

8. (1) The Agency may, from time to time, appoint, subject to the approval of the Governor, such other staff, as it may deem necessary to assist in the performance of the business of the Agency. Staff of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Agency shall be determined by the Civil Service Guidelines and Regulations in operation, and subject to such rules –

(3) The staff of the Agency shall be civil servants deployed from other Ministries or other agencies of Government or recruited for the agency, as the need may arise, by the State Civil Service Commission.

(4) Service in the Agency shall pensionable and approved service within the meaning of the Pensions Commission Act, 2004, and shall be deemed to be included in Schedule 2 to the said Act and accordingly, officers and other persons employed in the Agency shall, in respect of their services in the Agency, be entitled to pension, gratuities and other retirement benefits as are prescribed thereunder.

(5) Notwithstanding subsection (4) above, the Agency may appoint a person to any office on contract terms, which shall preclude the grant of a pension, gratuity or retirement benefits.

(6) For the purpose of the application of the Pensions Act, any power exercisable thereunder on authority of the Government of the State, is hereby vested and shall be exercisable by the Agency.

#### **PART IV - FUNDS AND ACCOUNTS**

9. (1) The funds of the Agency shall consist of all sums as may be contributed to the Agency by the State and Local Governments in following ratio – Funds of the Agency.

(a) 9% of the monthly allocation to all Local Government Councils in the State to be deducted in accordance with the Local Government Law and made up as follows -

- (i) 2.5% for rural roads;
- (ii) 2.5% for rural water supply;
- (iii) 2.0% for rural health infrastructure;
- (iv) 2.0% for educational infrastructure.

(b) a monthly contribution from the State Government which shall not be less than one quarter of the aggregate monthly contribution of the Local Government Councils made in accordance with section 9(1)(a) above;

- (2) such revenue as the Agency may derive from its investments and services;
- (3) loans obtained for the exercise of the Agency's functions;

- (4) grants from donor agencies and bodies;
- (5) gifts from corporate bodies or individuals;
- (6) such sums as may accrue to the Agency from any other source whatsoever.

Borrowing power. 10. The Agency may, subject to such terms and conditions as may be approved by the Governor, borrow such moneys as it may from time to time require for the performance of any of its functions under this Law.

Bank account. 11. (1) The Agency shall keep and operate bank accounts in reputable banks approved by the Board and all moneys received on behalf of the Agency shall be paid into the said account.

(2) No withdrawal shall be made from the said account unless the cheque or other instrument in respect of such withdrawal is signed by the Director-General and the Accountant of the Agency or such other persons as may be authorized in that behalf by the Agency.

Estimates. 12. The Agency shall, not later than the 30th day of September in each year, submit to the State House of Assembly estimates of the revenue and expenditure of the Agency during the next succeeding financial year.

Account, audit and annual reports. 13. (1) The Agency shall keep proper records, books and statements of accounts relating to the income and expenditure of the Agency and balance sheet for each financial year.

(2) The Agency shall at the close of each financial year, submit to the Board -

- (a) a report of its activities for that financial year;
- (b) the profit and loss account of the Agency including its balance sheet for that financial year; and
- (c) the report of the State Auditor-General on the said account.

(3) The Auditor-General shall at the end of each year submit a report of the audited account of the Agency to the House of Assembly.

#### **PART V - MEETINGS**

Meetings. 14. (1) The members of the Board may at such date, time and place as the Chairman may decide, hold any meeting for the transaction of the agency's business; Provided that the Board shall meet at least once every three months.

(2) The Chairman shall preside at such meetings and shall have both an original and a casting vote.

Attendance of non members. 15. Whenever on any special occasion the Board desires to obtain the service or procure the advice of any person on any matter, the Board may invite such person to attend the meeting of the Board and the person so invited shall have all the rights and privileges of a member except that he shall not vote on any question or be part of the quorum at such meeting.

Validity of proceedings. 16. The proceedings of the Board meetings shall not be affected by reason of the absence of any member or vacancy in the membership of the Board or that a person not so entitled has taken part in such proceedings.

17. No meeting of the Board shall proceed to business unless there is a quorum of half of the members of the Board at any meeting and this shall be the quorum. Quorum.

18. The Board may make standing orders for the proper conduct of its business and the regulation of its proceedings or those of any of its committees. Standing Orders.

**PART VI - MISCELLANEOUS PROVISIONS**

19. In any civil action or proceeding, the Agency may at any time be represented in court by a State Counsel or a Legal Practitioner approved by the Director-General. Representation in court.

20. In this Law, unless the context otherwise requires - Interpretation.

"Agency" means Cross River State Rural Development Agency established by section 1 of this law;

"Board" means the Joint Consultative Board of the Agency;

"Chairman" means Chairman of the Board;

"Governor" means Governor of the State;

"Local Government Councils" means all Local Government Councils in the State;

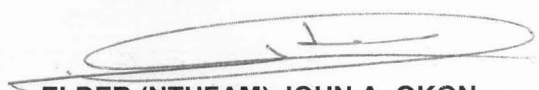
"Meeting" means meeting of the Board;

"Member" means a member of the Board and, where the context so admits, may include the Chairman;


"State" means Cross River State of Nigeria.

21. This Law may be cited as the Cross River State Rural Development Agency Law 2007, and shall come into force on the .....day of ..... 2007. Short title and Commencement.

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

  
**ELDER (NTUFAM) JOHN A. OKON**  
CLERK OF THE HOUSE

**I assent**

  
**LIYEL IMOKE**  
GOVERNOR  
CROSS RIVER STATE

MADE at Calabar this 18th Day of December 2007.