

CHAPTER 99

OIL PALM DEVELOPMENT AGENCY LAW

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OIL PALM DEVELOPMENT AGENCY LAW

A law to establish Oil Palm Development Agency for the State and to provide for connected matters. A.S.N. 9 of 1989.

[28th of March, 1989]

1. The Law may be cited as the Oil Palm Development Agency Law. Citation.

2. In this Law unless the context otherwise requires— Interpretation.

“Agency” means the Oil Palm Development Agency established under section 3 of this Law;

“Board” means the Management Board of the Agency established under section 4 of this Law;

“Chairman” means the Chairman of the Board; “Community” has the meaning assigned to that word in the Fund for Rural Development (Management) Law Cap 54.

“functions” includes duties and powers;

“General Manager” means the General Manager of the Agency;

“Governor” means the Governor of the State;

“member” means a member of the Board and includes the Chairman;

“palm” means the oil palm “Small-holders” means persons or bodies whether corporate or unincorporated who or which have established or are engaged in establishing palm plantations not exceeding ten hectares in size;

“Small-holder Oil Palm Development Scheme” or “the Scheme” means a scheme by which persons, bodies whether corporate or unincorporate, communities, co-operative societies or other organized groups are encouraged to establish oil palm plantations not exceeding ten hectares in size and to grow in such plantations improved variety oil palm seedlings and, wherever applicable, to systematically replace wild or senile oil palm trees with improved variety oil palm seedlings; “State” means Anambra State of Nigeria.

Establishment
of the Agency.

3. (1) There is hereby established in the State a body to be known as the Oil Palm Development Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of property.

Establishment
of the Board.

4. (1) There is hereby established for the Agency a Board to be known as the Management Board of the Agency which shall comprise—

- (a) a Chairman appointed on part-time basis by the Governor;
- (b) not less than five and not more than eight fit and proper persons appointed on part-time basis by the Governor
- (c) a representative each of—
 - (i) the Ministry for the time being responsible for matters relating to agriculture;
 - (ii) the Ministry for the time being responsible for matters relating to finance and economic planning;
 - (iii) the Ministry or Department for the time being responsible for matters relating to rural development;
 - (iv) the Federal Ministry for the time being responsible for matters relating to agriculture; and
- (d) the General Manager.

(2) Persons who are members by virtue of paragraphs (c) and (d) of subsection (1) of section 4 are *ex officio* members.

Board to
Exercise
Functions of
the Agency.

5. The Board is the governing body of the Agency exercise and shall in that capacity—

- (a) exercise all the functions of the Agency; and
- (b) do or carry out all acts or things which the Agency is by this Law or may by any other law be, required to do or carry out.

Validity or
Irregularity in
Membership.

6. The validity of the proceedings of the Board shall not be affected by any vacancy among the members or any irregularity in the appointment of a member.

Tenure of
Office.

7. (1) Subject to the pleasure of the Governor, a member not being an *ex officio* member shall hold office for such period exceeding three years as may

be specified in the instrument or letter by which he is appointed; provided that every such member shall be eligible for re-appointment.

(2) Notwithstanding anything contained in the instrument or letter by which he is appointed, a member may resign his appointment by writing under his hand addressed to the Governor and upon receipt by the Governor of the letter of resignation the appointment of the member shall determine.

8. There shall be paid to the members, other than *ex officio* members, such remuneration or allowances as the Governor may prescribe.

Remuneration
and
Allowance.

9. The Boards may delegate to any person or body such of the functions of the Agency under this Law as the Board thinks may be more conveniently dealt with by such person or body so as enhance the efficient conduct of the affairs of the Agency.

Delegation of
Functions.

10. (1) Subject to this Law, the Agency is charged with the following functions, that is to say—

Functions of
the Agency.

- (a) to continue to execute the Small-holder Oil Palm Development Scheme of the State Government;
- (b) to assist, whether by way of giving professional advice or otherwise, persons, bodies whether corporate or unincorporate, communities, co-operative societies or other organized groups including small-holders in establishing or expanding their palm plantations;
- (c) to educate the citizens on the necessity to plant or grow the improved variety palm seedlings or establish plantations comprised of the improved variety palm seedlings as well as actively encourage the planning or growing of such palms or establishment of such plantations in every Local Government Area of the State;
- (d) to encourage and assist small-holders to resuscitate or regenerate dormant, disused or abandoned palm plantations and carry out the supervision of the maintenance and arrangement of palm plantations including resuscitated or regenerate palm plantations;
- (e) to cause to be cultivated and grown by such persons or bodies as it may designate in that behalf, or to acquire from any other source, as may be necessary, the improved variety palm seedlings for the

purposes of the Scheme and for other purposes and for meeting the demands for such seedlings by farmers and other persons;

- (f) either independently or in co-operation with any person or body of persons whether corporate or unincorporate, to commission, promote and support studies and research projects concerning the improvement and advancement in the production, processing, utilization and management of the palm and its products and by-products;
- (g) to assist, whether by way of giving professional advice or otherwise, persons or bodies whether corporate or unincorporate in the establishment of production and processing facilities for palm oil, palm kernel, palm wine and other palm products;
- (h) to liaise, as may be necessary, with any person or body of persons whether corporate or unincorporate, communities, Government agencies and Local Governments in the formulation and implementation of programmes designed to attain the purposes of this Law;
- (i) upon such terms and conditions as it may determine, to give or render to any person or body of persons whether corporate or unincorporate, upon requests, such advice, assistance or services as relate to palm development;
- (j) to do all such other things as well enable the Agency more effectually perform its functions under this Law.

(2) In carrying out any of its functions under this Law, the Agency may, wherever and whenever practicable, utilize the services of the local communities through encouraging such communities to contribute in labour and materials.

Directives of
the Governor.

11. The Governor may from time to time give to the Board directives as to the manner in which the Board is to exercise its functions under this Law and it shall be the duty of the board to give effect to such directives.

Meetings of
the Board.

12. (1) The Board shall hold meetings as and when the need arises, provided that in any one year the Board shall hold at least five meetings.

(2) All meetings of the Board shall be summoned at the direction of the Chairman or at the request made to the Chairman in writing by four members.

(3) Every meeting of the Board shall be presided over by the Chairman but in his absence or incapacity the members present shall elect from among their number one person to preside at the meeting and the person so elected shall have all the powers and privileges of the Chairman for that meeting.

(4) Subject in the provisions of this section, the Board may make standing orders regulating its procedure.

(5) The Board may co-opt any person to attend any of its meetings and such person while so-opted shall be entitled to participate fully in the deliberations at the meeting except that he shall not be entitled to vote upon any question.

13. At any meeting of the Board the Chairman and any four members shall form a quorum, but where the Chairman is absent is absent from the meeting and six members shall form a quorum. Quorum.

14. (1) For the effectual carrying out of its functions under this Law, the Agency may request through the office of the Governor for, and with the approval of the Governor obtain, the assistance or services of any person being a person employed in the public services of the State, and may assign to that person such general or specific duties as it considers fit. Staff.

(2) Without prejudice to subsection (1), the Board may—

(a) appoint such persons as it may consider necessary to be officers and servants of the Agency and shall determine their salaries, enrolment and conditions of service;

(b) make regulations relating to the discipline and conduct of the staff of the Agency.

15. (1) The Governor shall, after consultation with the Board, appoint a fit and suitable person to be the General Manager of the Agency. Appointment and Functions of General Manager.

(2) Subject to the pleasure of the Governor, the General Manager shall hold office for such period not exceeding three years as may be specified in the instrument or letter by which he is appointed; provided that he shall be eligible for reappointment for another term of three years.

(3) The General Manager shall—

- (a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of all functions of the departments of the Agency.
- (b) be responsible to the Board for the proper management of the business of the Agency, the upkeep and preservation of the property of the Agency as well as the overall supervision of staff matters.

Nature of Service.

16. Service under the Agency shall be public service for pension purposes within the meaning of Pensions Ordinance 1951 as adapted by the Pensions Law (Cap.98)

Funds of the Agency.

17. (1) The funds of the Agency shall consist of—

- (a) such monies as may from time to time be appropriated by the State Government or the Government of the Federation for the purposes of the Agency;
- (b) any sum earned by, or accruing to the Agency from the sale or distribution of any commodity; property or produce in the exercise of its functions;
- (c) monies accruing to the Agency by way of endowment, grants, donations, gifts or otherwise;
- (d) any loans made to the Agency;
- (e) such other sums of money or property as may in any manner become payable to or vested in the Agency in connection with its functions under this Law.

Applications of Funds and Resources.

18. The funds and resources of the Agency shall be applied by the Agency in pursuance of its functions under this Law.

Annual estimate.

19. The Agency shall not later than the 30th day of November in each year, prepare and submit to the Governor estimates of the incomes and expenditures of the Agency for the next ensuing financial year.

Reports, Accounts and Auditing.

20. (1) As soon as may be after the end of each financial year but not later than the 31st day of March next following, the Agency shall—

(a) prepare a general report of its proceedings and activities during the preceding year; and

(b) transmit to the Governor that report together with a certified copy of the audited accounts of the Agency.

(2) The Board shall cause to be kept—

(a) proper books of accounts;

(b) proper records relating to such accounts in a form prescribed by the Director—General of the State Ministry responsible for matters relating to finance.

(3) The accounts of the Agency shall be audited annually by such auditors as may, with the approval of the Governor, be appointed in that behalf by the Agency.

(4) The accounts of the Agency together with the auditor's report thereon shall in each year be laid before the State's Public Accounts Committee.

21. No member or servant 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 the business of the Agency. Exemption from Liability.

22. In any suit against the Agency, no writ of execution or attachment or other process in the nature of any such writ shall be issued against the Agency but any judgement debt accruing against the Agency shall be paid from the funds of the Agency. Restriction on execution.

23. (1) At any stage of the proceedings in any suit, the Agency may be represented by— Representation in Court.

(a) a servant of the Agency duly authorized in writing in that behalf by the Agency; or

(b) a legal practitioner authorized in writing in that behalf by the Agency.

(2) For the purposes of this section and the last preceding section, "suit" includes action or any civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court but does not include criminal proceedings.

**Common
Seal.**

24. The affixing of the seal of the Agency shall be authenticated by the signature of the Chairman or some other member authorized, either generally or specifically, by the Agency to act in his stead for the purpose, and of the Secretary or some other person authorized, either generally or specifically, by the Agency to act in his stead for the purpose.

**Contract of
Property.**

25. Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Agency by any person generally or specifically authorized by the Agency for that purpose.

**Devolution of
property.**

26. All property, rights and liabilities which immediately prior to the date of commencement of this Law were held by or accrued or pertained to persons empowered by the Governor to perform certain specified functions under the name and style of Task Force on Palm for Palm Scheme or Palms Development Committee shall with effect from the date aforesaid and without further assurance vest in or accrue or pertain to the Agency.

Regulations.

27. The Agency may with the approval of the Governor make regulations relating to such matters as, in its opinion, are necessary for the proper execution of the provisions of this Law.