

CHAPTER 173

BAUCHI STATE AGRICULTURAL DEVELOPMENT AUTHORITY LAW

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CHAPTER 173

BAUCHI STATE AGRICULTURAL DEVELOPMENT AUTHORITY LAW

A Law to establish Bauchi State Agricultural Development Authority.

[Commencement: 15th September, 2002]

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

1. Citation and commencement

This Law may be cited as the Bauchi State Agricultural Development Authority Law, 2002 and shall be deemed to have come into force on the 15th day of September, 2002.

2. Establishment

(1) It is hereby established a body to be known as the Bauchi State Agricultural Development Authority (BASADA) which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The headquarters of the Authority shall be in the State Capital with three zonal offices at Azare, Miya and Nabordor and additional zonal offices as may be approved by the Executive Committee.

(3) The Authority shall consist of the following Directorate:

- (a) Administration and Training;
- (b) Finance;
- (c) Fadama and Engineering Services;
- (d) Planning, Monitoring and Evaluation;
- (e) Extension Services;
- (f) Technical Services.

(4) Subject to the approval of the Executive Committee the Authority may set up as the need arises, Directorates and units and appoint suitable experienced persons to head such Directorates and units for the purposes of executing its functions under this Law.

(5) The Authority shall be a fully pledged scheduled organisation accountable to the Executive Committee receiving subventions directly from the Government.

3. Objectives

The objectives of the Authority shall be to, in conjunction with the Ministry of Agriculture and Natural Resources, carry out a comprehensive agricultural development of the State and in particular through—

- (a) a programme to increase production of crops through the introduction of improved farming practices to farmers, strengthening of extension services and ensure provision of improved inputs;

- (b) a programme to improve farm management through the introduction of an agronomic package, planned water management and irrigation on the fadama land;
- (c) applied research involving testing of crop varieties, agronomic practices, new implements and farming systems;
- (d) seeds and planting materials production throughout growers and acquisition of foundation seed and the security of disease-free stocks for further multiplication;
- (e) agro-forestry development involving production of seedlings, modernisation of nurseries and establishment of wind-break and wood lots;
- (f) soil conservation and land planning involving application of appropriate measures, collecting and processing data for long- and short-term agricultural land use planning;
- (g) weather recording, prediction and forecasting of pests and disease occurrences;
- (h) a record programme consisting of:
 - [EDITORIAL NOTE: Wording as per original *Gazette*.]
- (i) improvement/construction of the access tracks within the fadama/rural areas as the need arises;
- (j) supporting the development of fadama farming through drilling of wash bores and tube wells in fadama area and efficient utilisation of surface water for irrigation purposes;
- (k) a programme of deliberate and purposeful training to upgrade farmers' skills and professional competencies of the Authority staff.

4. Power and duties of the Authority

The Authority shall for the purpose of carrying out its objective be responsible for the—

- (a) construction/rehabilitation of project offices, workshops, stores, staff house, and farm service centers;
- (b) monitoring and evaluation of the programme activities, preparation and provision of work for zonal operation units; regular production by cost accountants of data on plant and vehicle utilisation and civil work cost; collection by zonal monitoring and evaluation units of basic agronomic data results from demonstration plots and market price information, in-depth evaluation of technical package and a baseline survey to gather data on the on-going agronomic activities;
- (c) establishment/maintenance of a staff development and the farmer training center and media centre;
- (d) advising on the procurement and distribution of appropriate farm inputs to Bauchi State farmers through farm service centers and viable primary co-operative societies;

- (e) gradual integration of Bauchi State Local Government Councils into the operation of the programme through increased linkage and assimilation of Local Government field staff;
- (f) assistance in carrying out experimental studies on innovative farm technology;
- (g) such other powers or duties as the Government of the State may confer upon the Authority by Law.

The Authority may enter into such contracts, acquire, hold or dispose of any property movable, as may be necessary or expedient for the purpose of carrying out its function.

5. Appointment of Managing Director and Heads of Departments

There shall be a Managing Director who shall be the Chief Executive of the Authority appointed by the Chief Executive of the State on the recommendation of the Ministry of Agriculture and Natural Resources in consultation with the Project Co-ordinating Unit (hereinafter referred to as "P.C.U.")—

- (a) each Directorate of the Authority shall be headed by a Director to be appointed by the Chief Executive of the State on the recommendation of the Ministry of Agriculture and Natural Resources in consultation with P.C.U.;
- (b) the Authority shall accept staff on posting secondment or transfer by the Central Recruitment Agency and may employ staff under delegated power.

6. Discipline and remuneration

Subject to the provision of section 17(1) of the Statutory Bodies (Central Recruitment Agency, etc.) Law, Cap. 152, Revised Laws of Bauchi State, 1991, the Executive Committee of the Authority may make regulations to provide for—

- (a) appointment, promotion and disciplinary control (including dismissal) of staff on the Authority;
- (b) appeals of such staff against dismissal or other disciplinary measures;
- (c) establishment matters and the general administrative policy in the service of the Authority;
- (d) salaries, allowances and benefits of the staff of the Authority.

7. Establishment of Executive Committee

(7) There is hereby established for the Authority a committee to be known as the Bauchi State Agricultural Development Authority Executive Committee (BASADEC) and shall consist of the following:

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| (i) the Executive Governor; | — Chairman |
| (ii) Honourable Commissioner, Ministry of Agriculture and Natural Resources or any other member as the Executive Governor may direct | — Deputy Chairman; |
| (iii) Head of Civil Service | — Member; |
| (iv) Honourable Commissioner, Ministry of Economic Development; | — Member; |

(v) Honourable Commissioner, Ministry of Commerce and Industry and Co-operative	— Member;
(vi) Honourable Commissioner, Ministry of Water Resources	— Member;
(vii) Honourable Commissioner, Ministry of Women Affairs and Youth Development	— Member;
(viii) Director, Federal Department of Agriculture	— Member;
(ix) Head, Project Co-ordinating Unit	— Member;
(x) Permanent Secretary, Ministry of Agriculture and Natural Resources	— Member;
(xi) Permanent Secretary, Department for Local Government	— Member;
(xii) Regional Head, Project Co-ordinating Unit (P.C.U.)	— Member;
(xiii) Managing Director, Upper Benue River Basin Development Authority	— Member;
(xiv) Managing Director, Hadeja/Jama'are River Basin Development Authority	— Member;
(xv) farmers' representatives	— Member;
(xvi) representatives of Women's groups	— Member;
(xvii) representative of NACCIMA	— Member;
(xviii) Managing Director, BASADA	— Member/ Secretary.

8. Secretary

The Managing Director who shall be a member/Secretary of the Executive Committee, shall keep the records, conduct its correspondence and perform such other duties of the clerical and secretariat nature as the Executive Committee or its Chairman may direct from time to time.

9. Each member of the Executive Committee may be paid allowances out of the funds of the Authority as the Committee may determine from time to time.

10. Committee

(1) The Executive Committee shall appoint the following sub-committees to carry out such function as it may delegate:

- (a) Agricultural Development Authority Establishment Sub-committee;
- (b) General Purpose Sub-committee;
- (c) Agricultural Liaison Committee.

(2) The Executive Committee may appoint more sub-committee as it may deem necessary for the due discharge of its functions.

11. (1) Where the Executive Committee or any of its sub-committees requires advice of any person on any particular matter in its meeting, it may co-opt that person as a member for that purpose.

(2) Any person so co-opted shall not be entitled to vote nor shall he be counted towards a quorum.

(3) The Executive Committee may make regulations that are necessary for the due discharge of its functions under this Law.

12. Any member of the Executive Committee who has acquired or intends to acquire or claims any interest by way of profits, remuneration or other benefits in any contract entered into by the programme shall forthwith disclose such interest to the Executive Committee and shall not without its leave, vote upon any question relating to such contract or proposed contract.

13. Meetings

(a) The Executive Committee shall ordinarily meet for the discharge of its business at such times and places as the Chairman may determine but shall meet at least once every 3 months.

(b) Pursuant to this Law, the Bauchi State Agricultural Development Authority Executive Committee may regulate its own proceedings and make standing orders providing for the proper conduct of its business and meetings.

(c) The Bauchi State Agricultural Development Authority Executive Committee shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint.

(d) The Chairman shall preside at every meeting of the Committee but in his absence the Deputy shall preside and in the event he is absent too, the members present shall nominate one of them to preside at the meeting.

(e) The Chairman may at any time or at request of not less than simple majority of the members summon a meeting.

(f) The quorum for a meeting of the council shall be a simple majority.

(g) Particulars of the business to be transacted at any meeting shall be circulated to members with notice of the meeting.

(h) Every question put before the council at a meeting shall be directed by a majority of members present and voting.

(i) The Chairman shall at any meeting have a vote and in the case of an equality of votes can exercise a casting vote.

(j) The method of entering into contract and the signing of cheques and other instruments is to be provided by the Bauchi State Agricultural Development Authority Executive Committee.

(k) No act or other proceeding of Bauchi State Agricultural Development Authority Executive Committee shall be invalidated by reason of any vacancy in its membership or reason of any defect in the appointment of any member.

14. Powers

The Authority may enter into contract, acquire, hold or dispose of any property movable or immovable, as may be necessary or expedient for the purpose of carrying out its functions.

15. Funds

The funds of the Authority shall consist of—

- (i) such funds as may be granted as loans by the World Bank or similar institutions and contribution from Federal Government, State and farmers, in the State;
- (ii) such funds as may be collected or received by the Authority from other services either in the execution of its functions or in respect of any property invested in the programme;
- (iii) such interest as may accrue to the Authority from investment by virtue of this Law;
- (iv) funds contributed by L.G.A.s;
- (v) such monies accruing to the Authority by way of endowment, grants, subsidies, donations, fees, subscriptions, rent royalties, loans, gifts or otherwise;
- (vi) any sum derived from the sale of any property held by or on behalf of the Authority; and
- (vii) all other monies which may, in any manner become payable to the Authority in respect of any matter incidental to its function under this Law.

16. Expenditure

The funds of the Authority shall be applied in pursuance of its functions and as provided for under this Law.

The Authority shall keep proper accounts and records in relation to its activities, and shall prepare in respect of each year a statement of accounts.

17. Annual budget

The Authority shall prepare an annual work plan and budget to be approved by the Executive Committee.

18. (i) The annual statement of accounts of the Authority shall be audited by external auditors to be recommended by the Executive Authority from a list of qualified auditors to be provided by the Auditors-General.

(ii) The Auditor-General may provide guidelines on the level of professional fees if any, to be paid and such fees shall be charged on the funds of the Authority.

(iii) The Authority shall submit to the Auditor-General, the Audited statement of accounts for each financial year for his comments.

(iv) The External auditors shall within six month after the end of each financial year present to the Executive Committee—

- (a) a certified copy of the audited annual statement of accounts; and

- (b) comments of the Auditors-General on the audited statement of accounts.

9. Performance report

The Authority shall at the end of every financial year prepare and submit to the Chief Executive of the State, an annual performance report for the previous year.

1. The Chief Executive of the State may give directive to the Authority as to the discharge of its functions under this Law.

10. Savings

Nothing shall invalidate anything done or reported to have been done pursuant to the provisions of this Law or any other law which is in force before the coming into operation of this Law.

Legal proceedings

In any suit the Authority may at any stage of the proceedings be represented in court by the Chambers of the Attorney-General, Ministry of Justice, Bauchi or any other court as the Hon. Attorney-General may direct. For the purpose of this section—

“suit” means action or any civil proceedings commenced by the writ of summons or in such other manner as may be prescribed by the rules of court but does not include criminal proceedings.

Common seal (authentication of document)

(1) Any contract or instrument which when entered into or executed by a person not being a body corporate may not require to be under seal, may be entered into or executed on behalf of the Authority by the Managing Director or any person generally or specially authorised in that behalf by the Authority.

(2) The fixing of the common seal of the Authority shall be authenticated by the signature of the Managing Director or some other member or person as may generally or specially be authorised in that behalf by the Authority.

General directives of the Governor standing order

Notwithstanding anything contained in this Law, the Governor may give directives of general or specific nature to the Authority with respect to the performances of its functions.

Subject to the provisions of this Law, the Authority may make regulations for proper implementation of its objectives.

Pension and gratuity

The Authority shall grant pension and gratuities to the staff of the Authority in accordance with any pension law operating in the State.

11. Protection of members and staff

A member of staff shall not be personally liable for any act or omission, or for any default of the Authority as long as such act, omission or default is in the course of his duties under the Authority and in good faith.

28. Transitional status of staff

(1) At the commencement of this Law, all existing staff of the Bauchi State Agricultural Development Authority who are in the employment of Civil Service Commission of the State shall be deemed to be on secondment/posting to the Authority for period of six month with status, designation and function which correspond as early as possible to those appertaining to them before the commencement of this Law.

(2) During the period of secondment/posting staff may apply in writing to the Authority for transfer to the services of the Authority.

(3) An officer who has not applied for transfer or whose application for transfer has not been approved by the Authority, shall within six month from the commencement of this Law, revert to the Civil Service of the State.

29. The Executive Committee shall have powers to make regulations and standing orders for the purpose of carrying out the functions of the Authority under this Law.

30. The Bauchi State Agricultural Development Programme Law, No. 1 of 1999, is hereby repealed.

31. Interpretation

In this Law, unless the context otherwise requires—

“**Auditor**” means the External Auditor appointed pursuant to section 18 of this Law;

“**Auditor-General**” means the Auditor-General of Bauchi State;

“**Authority**” means Bauchi State Agricultural Development Authority;

“**Chief Executive**” means the Chairman of the Bauchi State Agricultural Development Executive Committee appointed pursuant to paragraph (i) of section 7 of this Law or, the Deputy presiding in his absence or any member nominated by the members present to preside over a meeting in the absence of the chairman or his Deputy means the Bauchi State Agricultural Development Authority Executive Committee of the Authority appointed under section 3 of this Law;

“**Chief Executive**” means the Chief Executive of Bauchi State;

“**financial year**” means a period of twelve calendar months beginning from the 1st day of January to the 31st day of December every year;

“**function**” includes powers and duties;

“**member**” means any member of the Committee and it includes the Chairman;

“**Managing Director**” means the Managing Director of the Authority appointed under section 5 of this Law;

“**P.C.U**” means Project Co-ordinating Unit;

“**State**” means the Bauchi State of Nigeria.