

CHAPTER 4

AGRICULTURAL AND RURAL DEVELOPMENT AUTHORITY BNSL 7 of 1985.
BNSL 10 of 1987.

1. This Law may be cited as the Benue State Agricultural and Rural Development Authority Law and shall be deemed to have come into operation on the 13th day of June, 1985. Short title and commencement.

2. In this Law:-

Interpretation.

"Authority" means the Benue State Agricultural and Rural Development Authority established under section 3 of this Law;

"Agricultural" includes field crops production, horticulture, forestry and the use of land for any purpose of husbandry (inclusive of the keeping, breeding and processing of livestock, poultry and any growing of fruits trees, vegetables and such like), fishing and processing, primary storage, handling and marketing of any product of horticulture, Veterinary Services, Extension, Home Economics, Agricultural Engineering;

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

"Chairman" means the Chairman of the Authority appointed under this Law;

"Commissioner" means the Commissioner for Agriculture;

"Financial Year" means the twelve months ending on the 31st day of December in any year;

"Functions" include powers and duties;

"Governor" means the Governor of the State;

"Local Government" means any of the twenty-three Local Governments which form the Area of Benue State as specified in the First Schedule Part 1 of the Constitution of the Federal Republic of Nigeria, 1999;

"member" means a member of the Authority;

"Ministry" means the Ministry of Agriculture;

"State" means Benue State of Nigeria.

3. There is hereby established an Authority for the purpose of integrated agricultural and rural development in the State to be known as the Benue State Agricultural and Rural Development Authority. Establishment.

Composition of
the Authority.

4. The Authority shall consist of:—

- (i) the Commissioner, Ministry of Agriculture and Natural Resources as the Chairman;
- (ii) the Commissioner, Ministry of Local Government and Community Development;
- (iii) the Commissioner, Ministry of Finance and Economic Planning;
- (iv) the Commissioner, Ministry of Works;
- (v) the Commissioner, Ministry of Commerce and Industries;
- (vi) the Secretary to the State Government, or his representative;
- (vii) the Director, Federal Department of Rural Development (FDARD), or his representative;
- (viii) the Head of Federal Agricultural Co-ordinating Unit (FACU), or his representative;
- (ix) the General Manager, Lower Benue River Basin and Rural Development Authority, or his representative; and
- (x) the General Manager who shall be the Secretary of the Authority.

Co-opted
members.

5. (1) Where on any occasion, the Authority is desirous to obtain the advice of a person upon any matter, the Authority may co-opt that person to be a member of such a meeting as the Authority may decide.

(2) The person so co-opted may have all the rights and privileges of a member save that he shall not be entitled to vote upon any matter.

Disqualification.

6. (1) No person shall be appointed a member of the Authority who:—

- (a) is an undischarged bankrupt or who has made an arrangement with his creditors; or
- (b) is incapacitated by physical or mental illness; or
- (c) has been convicted of an offence involving or necessarily implying fraud or dishonesty or has undergone a sentence of imprisonment therefor; or
- (d) has such financial or other interest whether in the operation of the Authority or otherwise as in the opinion of the Governor is likely to affect the discharge by him of his functions as a member.

(2) The Governor may by notice published in the State Gazette

declare the office of the Chairman or any member vacant where he is satisfied that the Chairman or such other member:-

- (a) has become subject to any of the disabilities set out in subsection (1);
- (b) has been absent from three consecutive meetings of the Authority without prior consent of the Authority first sought and had; or
- (c) has resigned by a letter directed to the Governor.

7. A non *ex-officio* member shall hold office for 3 years in the first instance and shall be eligible for re-appointment. Tenure.

8. (1) The Chief Executive of the Authority shall be the General Manager who shall be appointed by the Governor on the recommendation of the Authority. Chief Executive.

(2) The General Manager shall be responsible for the execution of the policy of the Authority and the general management of its day to day business and shall also carry out such other functions as the Authority may direct.

(3) No person shall be qualified to be appointed as General Manager of the Authority unless he possesses relevant professional qualification with at least 10 years post-qualification experience.

9. (1) The Authority may upon such terms and conditions approved by the Governor appoint a Secretary to the Authority. Secretary.

(2) The Secretary shall be the Chief Administrative Officer of the Authority.

(3) The Secretary shall conduct the correspondence of the Authority, keep proper records of the proceedings of the Authority and perform such other functions as the Authority may direct.

10. (1) The Authority may appoint such other persons to be officers and servants of the Authority as it may deem fit. Other staff.

(2) The remuneration and tenure of office of the officers and servants of the Authority shall be determined by the Authority.

11. The Authority may employ such officers on secondment as it may deem necessary or expedient for the purpose of performing its functions under this Law. Secondment of employees.

- Committees.** 12. The Authority may with the approval of the Commissioner appoint one or more committees for the purpose of exercising any of its functions as the Authority may specify.
- Status and general powers.** 13. The Authority shall be a body corporate with:—
- (a) perpetual succession and a common seal; power to sue and be sued in its corporate name;
 - (b) power of holding, purchasing or otherwise acquiring and disposing of any property, whether movable or immovable for the purpose of carrying out any of its functions under this Law.
- Further provisions with respect to powers.** 14. The Authority shall have power to:—
- (a) construct and maintain roads, rural water supply, farm service centres and such other infrastructure necessary for the improvement of agriculture and rural development;
 - (b) establish a management unit to provide the management structure, staff and support to implement the project;
 - (c) set up training schemes to meet the technical needs of the project and develop a comprehensive staff development programme;
 - (d) construct and maintain buildings and other works necessary for the discharge of its functions under this Law;
 - (e) enter into such contracts as it may deem necessary for the purposes of its functions;
 - (f) invest its funds not immediately required for its purposes in such securities as may be approved by the Authority and to dispose of such securities.
- Functions.** 15. It shall be the duty of the Authority:—
- (a) to increase agricultural production and processing to ensure self-reliance;
 - (b) to increase and stabilize rural incomes from farming activities for all farmers so that the long term future of the agricultural sector is assured;
 - (c) to improve rural living standards, particularly through investment in agriculture, infrastructure, and through creation of increased income, employment opportunities to redress the process of urban migration.

16. The funds and resources of the Authority shall consist of:-

Funds and
resources.

- (a) such sums and other property as may be advanced by way of loan or grant to the Authority by the Government;
- (b) such sums or other property as may be advanced by way of loan or grant to the Authority by any;
 - (i) local government; or
 - (ii) World Bank;
 - (iii) statutory corporation; or
 - (iv) other government in Nigeria, or any other agency or institution of such government; or
 - (v) other international agency; or
 - (vi) private foundation or person;
- (c) all monies received by or falling due to the corporation in respect of the payment of any loan made by the Authority or the interest payable in respect of any such loan;
- (d) all other sums or property which may in any manner become payable to or vested in the Authority.

17. The Government may:-

Loans and grants
by the
Government.

- (a) grant any sums or property; or
- (b) make loans upon such terms as to repayment, or as to the payment of interest to the Authority as the Government may deem fit.

18. (1) The Authority may, with the consent of the Governor, borrow such sums of money as may be required in the exercise of its functions under this Law or any other written Law, upon such terms and conditions as may be agreed.

Borrowing
powers.

(2) Where the Governor gives consent to the Authority to borrow money he may also specify the purpose for which the money shall be used.

19. (1) The Commissioner may, with the approval of the Governor, give to the Authority specific directions for the purposes of discharging its functions under this Law and the Authority shall give effect to any such directions.

Power to give
directives.

(2) The power conferred by subsection (1) on the Commissioner shall include power to give directions prohibiting or limiting or restricting any expenditure proposed to be incurred by the Authority which appears to the Commissioner to be excessive or unnecessary.

(3) The Authority shall afford to the Commissioner facilities for obtaining information relating to the assets and liabilities and functions of the Authority and shall furnish him with returns, accounts and other information relating thereto, and shall make available to him facilities for the verification of information so furnished in such manner and at such times as he may require.

Government
Guarantee on
loan.

20. (1) The Commissioner for Finance may guarantee the repayment of the principal and the interest of any money borrowed by the Authority in accordance with government credit guidelines.

(2) Any money required for the fulfilment of any guarantee shall be charged on and issued out of the Consolidated Revenue Fund of the State and shall be a statutory expenditure.

(3) Where the Commissioner for Finance enters into any guarantee under subsection (1) above, he shall as soon as practicable lay a statement before the Executive Council of the State setting out the particulars of such guarantee.

(4) Where the Commissioner for Finance fails to lay before the Executive Council a statement in accordance with subsection (3) such failure shall not invalidate any guarantee under this section.

Interest on
money
guaranteed.

21. Where the Government makes a payment of any sums of money in fulfilment of any guarantee given it shall be entitled to charge interest on such sums of money to the Authority at such rates and periods as the Government may determine in respect of such sum.

Loans by
authority.

22. (1) Where the Authority gives a loan under this Law, the Authority may:—

- (a) charge such rate of interest as it may deem fit; and
- (b) demand and accept such security for the loan as it may deem fit.

(2) The rate of interest charged under subsection (1) shall, unless the Commissioner for Finance otherwise consents, be not less than the average rate of interest payable by the Authority at the time of making the loan on the total monies borrowed by it.

(3) In respect to any loan made, the Authority may upon such terms and conditions as it deems fit, accept payment of the whole or any part of the principal and interest on a loan before the time for repayment is due.

(4) The Authority may reduce the rate of interest payable in respect of any loan.

23. The Authority may with the approval of the Commissioner write off bad debts. Bad debts.

24. (1) The Authority shall keep account and proper records in relation thereto and shall prepare in respect of each financial year a statement of account in such form as may be directed by the Commissioner. Account and audit.

(2) The annual statement of account shall be a fair and accurate statement of the financial position of the results of the operations of the Authority for the financial year to which it relates.

(3) The Authority shall within three months after the end of the financial year to which the accounts relate cause its accounts to be audited by the State Auditor-General or his representative.

(4) The Auditor-General shall on completion of the audit of the accounts of the Authority for each financial year prepare and submit to the Authority and the Governor the following two reports, that is to say:—

- (a) a general report setting out the observations and recommendations of the Auditor-General in the financial affairs of the Authority generally for that year and on any important matter which the Auditor-General may consider necessary to bring to the notice of the Authority;
- (b) A detailed report containing the observations and recommendations of the Auditor-General on financial aspects of the operations of the Authority for that year.

25. Before the commencement of each financial year the Authority shall prepare an estimate of its revenue and expenditure for that financial year and submit it to the State Executive Council. Annual estimates.

26. The Authority shall prepare and submit to the State Executive Council not later than 31st March in each financial year a report in such Annual Report.

form as the Executive Council may direct on the activities of the Authority during the preceding financial year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the reports mentioned in section 24(4).

Meeting and
procedure.

27. (1) The Authority shall hold such and so many meetings as may be necessary for the fulfilment of its functions so, however, that it shall hold at least four meetings in every year.

(2) Any three members of the Authority may by notice in writing signed by them request the Chairman to call a special meeting of the Authority for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

Quorum.

28. Six members including the Chairman or any other person acting in that behalf shall form a quorum of any meeting of the Authority.

Standing orders.

29. The Authority may make standing orders to prescribe its own procedure and the conduct of its meetings or the meetings of its committees and may amend, vary or revoke such standing orders.

Validity.

30. No act or other proceedings of the Authority shall be invalid by reason of any vacancy among its members or by reason of any defect in the appointment of any member.

Liability to
proceedings.

31. No member shall be personally liable to civil proceedings for anything done, to be done, or omitted to be done, in good faith under this Law.

Regulations.

32. The Authority may with the approval of the Governor make regulations with respect to the appointment, promotion, transfer, dismissal and exercise of disciplinary control over its officers and servants.

Delegation

33. (1) The Authority may with the approval of the Commissioner delegate to any officer of the Authority all or any of its routine administration under this Law.

(2) The power of the Authority to delegate its functions shall not include:—

(a) the power to authorise expenditures exceeding such amount as may be fixed by the Authority;

(b) the power to take major decisions of policy in connection with the Authority's standing orders.

34. (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 Chairman or any person generally or specially authorised in that behalf by the Authority. Common Seal.

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

35. Stamp duties under the provisions of the Stamp Duties Act shall not be payable by the Authority in respect of any instrument which the Authority is a party. Stamp duties.
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36. Service upon the Authority of any notice, order or other document may be effected by:- Service.

- (a) delivery at the Authority's offices;
- (b) post, addressed to the Secretary through its registered office.

37. The Governor may by order confer on the Authority such additional functions as he deems fit. Additional
functions.
