

CHAPTER 41

**EBONYI STATE AGRICULTURAL DEVELOPMENT
PROGRAMME LAW.**

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CHAPTER 41 .**EBONYI STATE AGRICULTURAL DEVELOPMENT
PROGRAMME LAW**

EBSN No. 4
of 2003. **A law to establish Ebonyi State Agricultural Development
Programme.**

PROGRAMME LAW

Enactment Be it enacted by the House of Assembly of Ebonyi State of Nigeria as
follows:

PART I:- PRELIMINARY

Section 1
Citation and
commencement This Law may be cited as the Ebonyi State Agricultural Development
Programme Law and shall come into force on Wednesday, 15th October
2003.

Section 2
Interpretation In this Law, unless the context otherwise requires:
"Chairman" means the Chairman of the Executive Committee;
"Commissioner" means the member of the State Executive Council
charged with the responsibility for Agricultural Development matters;
"Executive Committee" means the Ebonyi State Agricultural Development
Programme Executive Committee;
"Financial Year" means 1st January to 31st December of any year;
"Government" means Ebonyi State Government of Nigeria;
"Management Unit" means the Agricultural Development Programme
Management Unit;
"Member" means the member of the Executive Committee and includes
the Chairman or their representatives at meetings;
"Governor" means Governor of Ebonyi State of Nigeria;
"The Programme" means the Ebonyi State Agricultural Development
Programme (EBADEP);
"The State" means Ebonyi State of Nigeria.

PART II: ESTABLISHMENT, FUNCTIONS, POWER OF THE PROGRAMME

- (a) There is hereby established for the State a body to be known as the Ebonyi State Agricultural Development Programme.
- (b) The programme shall be a body corporate with perpetual succession and a common seal with powers to sue and be sued in its corporate name, and may in the exercise of its functions, acquire, hold and dispose of movable and immovable property.

Section 3
Establishment
of programme

The objectives of the programme shall be to:

- (a) Support increased agricultural production in the State, and
- (b) Raise the standard of living of the rural population.

Section 4
Objectives of
programme

The functions of the programme shall be to:

- (a) Prepare and deliver the necessary improved production packages to the farmers and fishermen in the State;
- (b) Multiply tested high yielding seed varieties and distribute same to farmers and fishermen;
- (c) Engage in on-farm adaptive research;
- (d) Engage in appropriate training for extension staff, farmers and fishermen;
- (e) Distribute such agro-inputs like fertilizer, improved seeds and seedlings, agro chemicals, etc.
- (f) Construct access roads, portable water supply scheme and repair such damaged facilities;
- (g) Develop fadama lands flood plains for small scale irrigation in the State; and
- (h) Engage in any other activity that would aid the development of agriculture in the State.

Section 5
Functions of
programme

Section 6
Establishment
and
composition of
Executive
Committee.

There is hereby established a body to be known as the Agricultural Development Programme Executive Committee (ADPEC) and shall consist of:

- (a) The Governor who shall be the Chairman;
- (b) The Commissioner for Agriculture and Natural Resources who shall be Deputy Chairman;
- (c) The Commissioner for Finance and Economic Planning;
- (d) The Commissioner for Works and Transport;
- (e) The Commissioner for Rural Development;
- (f) The Secretary to State Government;
- (g) The Director, Federal Department of Agriculture;
- (h) The Head of Unit, Project Coordinating Unit (PCU);
- (i) The Permanent Secretary, Ministry of Agriculture and Natural Resources;
- (j) Representative of the State Agricultural Development Programme Farmers' Association;
- (k) Farmers' Association;
- (l) Representative of Women Farmers;
- (m) Representative of Chamber of Commerce;
- (n) The Programme Manager of the Programme who shall be member and Secretary.

Section 7
Functions of
executive
committee.

It shall be the duty of the Executive Committee to:

- (a) Formulate financial and administrative policies and co-ordinate other matters relating to the Programme;
- (b) Approve the annual budget, work-plan and procurement plan of the Programme;

- (c) Ensure adequate arrangement for funding the Programme;
- (d) Approve the appointment, promotion and discipline of senior staff;
- (e) Approve the award of all contracts estimated to cost an amount above US \$25,000 or equivalent in Naira terms; provided that all such contracts estimated to an amount above US \$25,000 or equivalent to be awarded in international competitive bidding shall be reviewed and recommended by Ebonyi State Agricultural Development Programme Tenders Committee;
- (f) Authorize the establishment in the Management Unit of an internal Tender Committee to be responsible for review and approval of all contracts estimated to cost an amount equivalent to US \$25,000 or, less, being contracts awarded on the basis of national or international competitive bidding, price quotation, local or international competitive shopping, etc.

The constitution and proceedings of the Executive Committee shall be in accordance with the provisions set out under schedule 8 of this Law.

The Executive Governor may give to the Executive Committee directives of a general or specific character as to the exercise and performance of its functions, and the Executive Committee shall give effect to such directives.

- (i) The Executive Committee shall have the following sub-committees:
 - (a) Agricultural Services Committee;
 - (b) Finance and General Purpose Committee; and
 - (c) Establishment Committee.
- (ii) The Agricultural Services Committee shall have the State Commissioner for Agriculture and Natural Resources as the Chairman. Its other members would include: representatives of the State departments responsible for Agriculture, Livestock, State Farmers Organization; the Programme manager, Directors of Technical and Extension Services, Fadama Coordinator, IFD Coordinator and the Head of Farm Mechanization. This sub-committee shall identify state agricultural policy areas that require the intervention of the Programme.

Section 8
Constitution of
Executive
Committee

Section 9
Power to give
Directives to
Executive
Committee.

It shall also serve as a liaison between other relevant agencies in the State to ensure that such agencies are aware of the Programmer's plans and operations.

- (iii) The Finance and General Purpose Committee shall have the Commissioner for Agriculture and Natural Resources as the Chairman. Other members shall include: the Hon. Commissioner for Finance, the Commissioner for Works and Transport, the Regional Head Project Coordinating Unit, the Director of Finance and Accounts, the Director of Engineering and Programme Manager who shall be member/Secretary. This committee will be responsible for reviewing and recommending to the Executive Committee for approval all contracts estimated to cost an amount equivalent to US-\$25, 000 or more, being contracts awarded on the basis of national or international competitive bidding, local or international competitive shopping, etc. provided that all such contracts shall have been evaluated and recommended by Ebonyi State Agricultural Development Programme Tenders Committee.
- (iv) The Establishment Committee shall have the Permanent Secretary, Ministry of Agriculture as the Chairman. Other members shall include: the Permanent Secretary, Ministry of Finance, the representative of the Head of Service, the representative of the Secretary to State Government, representative of the Civil Service Commission, the Regional Head of the Project Coordinating Unit, the Programme Manager and the Director of Administration who shall be member/Secretary. This Committee shall be responsible for reviewing all cases of senior staff recruitment, promotion and discipline as recommended by EBADEP Senior Staff Committee and recommending to the Executive Committee for approval.
- (i) There is hereby established a Unit in the Programme to be known as the Agricultural Development Programme Management Unit (PMU) which shall consist of:
 - (a) Programme Manager who shall be the Chairman,
 - (b) Director, Technical Services;
 - (c) Director, Extension Services;
 - (d) Director, Engineering Services;
 - (e) Director, Rural Institution Development;
 - (f) Director, Finance and Accounts;

- (g) Director, Planning, Monitoring and Evaluation;
 - (h) Director, Human Resources Development;
 - (i) Zonal Managers and
 - (j) Director, Administration, who shall also be the Secretary.
- (ii) The Management Unit shall be primarily concerned with the execution of the Programme, which shall include the following:
- (a) the preparation of work Programme and annual budgets for the approval of the Executive Committee.
 - (b) The implementation of the approved work programmes, and
 - (c) The implementation of other agricultural and rural development programmes as may be directed by the Chairman of ADP Executive Committee.
- (iii) There shall be established a PMU Tender Committee to be chaired by the Programme Manager and shall include the Director of Finance and Accounts, the Director of Engineering, Technical Services, the Extension Services and the Director of Administration who shall also be the Secretary.
- (iv) The PMU shall, on the recommendation of the Internal Tender Committee, approve all contracts estimated to cost an amount equivalent to US \$25,000 or less being awarded on the basis of national or international competitive bidding provided that no contract estimated to cost more than US \$12,500 or Naira equivalent shall be awarded without the clearance of the Commissioner for Agriculture and Natural Resources.
- (v) The Programme Manager may approve contracts or expenditures costing US \$5,000 or equivalent in Naira, provided that laid down procedures are followed.
- (i) There shall be established for the Programme, Zonal Development Committees of the Management Unit, which shall provide specialized advice and assistance to the Management Unit including advice in the promotion of "farmers" participation in the formulation of development objectives.

Section 12
Establishment
and composition
of Zonal
Development
Committee.

- (ii) Each Zonal Development Committee shall include the following members:
- (a) Zonal Officers from the Technical, Rural Institution, Extension and Engineering Units of the Programme.
 - (b) Local Government Chairmen or their representatives within the zone.
 - (c) Representatives of farmers in the particular zones with one farmer from each Local Government Area within the zone.
- (iii) Each Zonal Development Committee shall meet at least once every quarter with the programme Manager as Chairman, and in his absence the Director of Technical Services shall preside as Chairman of meetings.
- (iv) The Programmes Zonal Development Committee shall have the Zonal Manager as Secretary.

PART III:- STAFF OF THE PROGRAMME

Section 13
Appointment of
programme
Manager.

- (a) The Executive Governor shall appoint a fit and proper person as the Programme Manager after a competitive interview in consultation with the Federal Ministry of Agriculture and Rural Development, the Project Co-ordinating Unit (PCU) and the World Bank.
- (b) The Programme Manager shall be the Chief Executive of the Programme and shall be in charge of the day to day running of the programme. He shall attend the meetings of the Executive Committee as member and Secretary and shall have the ultimate responsibility of carrying out the policies and decisions of the Executive Committee in accordance with the provisions of this Law.

Section 14
Appointment
of Heads of
Department/
Division/ Sub-
Programme.

- (a) The Executive Committee shall appoint suitable persons as Heads of Department/Division or Sub-programme of the Programme on such terms and conditions as the Executive Committee may deem fit after clearance by Federal Ministry of Agriculture and Rural Development, Project Coordinating Unit and the World Bank.

Section 15
Appointment of
Staff.

- (a) Subject to the provisions of this section, the Management Unit shall recommend to the Executive Committee such persons as the Programme may consider necessary to be appointed, promoted or disciplined, provided that such appointment, promotion and discipline shall be in accordance with State Civil Service rules and regulations.

- (b) Notwithstanding sub-section (a) above the Management Unit shall be charged with the responsibility to appoint, promote and exercise disciplinary control over officers of the Programme on salary Grade Levels 01-07.

The Programme may employ an officer of the Public Service of the State or Local Government or the Public Service of any other State, Local Government or Federal Government of Nigeria on secondment, transfer, posting, attachment or on contract, with the agreement of such officer concerned in accordance with the procedure applicable to secondment, transfer, posting, attachment or contract.

Section 16
Staff on
secondment
transfer, etc

The Programme may with the approval of the Governor make regulations with respect to the appointment, promotion, transfer, posting, termination and discipline of its employees, and without prejudice to the foregoing provision also make regulations on the following matters:

Section 17
Power to make
regulations with
respect to
Appointment of
staff.

- (a) The qualification required for any appointment;
- (b) The method of appointment (including probation and confirmation period);
- (c) The form of any agreement to be entered into between the Programme, and its employees;
- (d) The term and condition of service which shall be in accordance, with the State Civil Service;
- (e) The procedure and requirements for promotion which shall be in accordance with the State Civil Service;
- (f) The maintenance of discipline (including dismissal and termination of appointment);
- (g) The transfer of employees between the Programme and the Government, the Government of any other State, Local Government of the State or the Federal Government of Nigeria, or any other statutory body, and
- (h) Such matters relating to departmental procedures, duties and responsibilities of employees as the Programme considers, will best be provided for by regulation.

Section 18
Power to grant
retiring
benefits, etc.

The Programme shall be a scheduled body and, subject to the provisions of the State Civil Service, grant pensions, gratuities and other retiring benefits to its officers and employees and may require such officers and employees to contribute to any pension contributory Scheme as applicable in the State Civil Service.

Section 19
Power to make
rules with regards
to retiring
benefits.

The Programme may, with the approval of the Governor, make regulations in respect of its employees for the following:

- (a) The pension, gratuities and retiring benefits to be granted to pensionable employees of the Programme and their dependents, provided such regulations are in accordance with the State Civil Service;
- (b) The gratuities and retiring benefits to be granted to non-pensionable employees of the programme and their dependents;
- (c) All matters ancillary to the matters mentioned in paragraphs (a) and (b) of this section.

Section 20
Performance of
functions

The Programme may perform any of its functions through or by any of its officers duly authorized by the Programme in that behalf.

Section 21
Funds of
Resources.

PART IV: FINANCIAL PROVISIONS

The funds and resources of the Programme shall consist of:

- (a) Such monies as may from time to time be granted by way of loan to the Programme by the Government, World Bank, IBRD, the International Fund for Agricultural Development (IFAD) or other external funding agencies.
- (b) Such monies as may from time to time be granted by way of loan or grant to the Programme by the Federal Government of Nigeria.
- (c) Such monies as may from time to time be granted by way of loan to the Programme by any Local Government of the State, Statutory Corporation, Agency or any International Organization and any private foundation of any person whatsoever or such funds from whatever source it may accrue.
- (d) Such funds as may be collected or received by the Programme from the Government for the performance of its functions and duties and

- (c) All such other sums payable to or properties vested in the Programme under this law or by virtue of any other law.
- (a) All the monies received by the Programme shall be credited to the funds of the Programme.
- (b) The Programme may apply funds at its disposal to its own including the remuneration and expenses of the members of the various committees in respect of their duties as members and payment of salaries, allowances, pensions and gratuities and retiring benefits of its officers.
- (c) The Programme may incur expenditure necessary for or incidental to the carrying out of any of its functions and duties under the Law.
- (d) The Programme shall apply its funds in accordance with the provisions of this Law and under such terms and conditions upon which such monies may have been obtained, or upon such conditions as may be attached to its appropriation.
- (a) The Programme may, with the prior written approval of the Governor, borrow such sums of money as are required to meet the obligations or in the discharge of its functions, and may with approval, mortgage or otherwise deal with any of its assets for the purpose of securing any money or monies borrowed by the Programme.
- (b) The Programme may, with the approval of the Governor, enter into a loan agreement with the World Bank, International Fund for Agricultural Development or any other funding agency for the performance of its functions, provided the Federal Government of Nigeria shall consent to guarantee such loan.
- (c) There shall be included in any written approval to borrow under sub-sections (a) and (b) above a condition that such money shall be utilized for a specific purpose or purposes.
- (a) The Government may guarantee in such manner and under such conditions as it may think fit the payment of principal and interest of any money borrowed by the Programme under section 23 (a) above.

Section 22
Funds of
Resources.

Section 23
Power to
borrow
money.

Section 24
Guarantee by
Government.

- (b) The money required to make good such a guarantee shall be charged on and issued out of the Consolidated Revenue Fund of the State and shall be a statutory expenditure.

Section 25
Power to invest.

The Programme may from time to time, with the approval of the Governor invest monies standing to its credit and not required for the purposes of its functions for the time being, in securities approved either generally or specifically by the Executive Committee and may from time to time vary or sell such investments.

Section 26
Account to be kept by the programme.

- (a) The Programme shall keep proper accounts of its transactions including an income and expenditure account and a Balance Sheet to be submitted in the form prescribed by the Ministry of Finance or the funding agency.
- (b) The accounts of the Programme for each year shall be audited within six months after the end of each financial year or such longer period as the Governor may in any particular case direct, and shall be the subject of a report by the auditor.
- (c) The actual statement of account shall be audited by an independent and external auditor acceptable to the World Bank, the Federal Government of Nigeria and the Executive Committee.

Section 27
Annual Reports and Estimates.

Not later than six (6) months after the end of each financial year, the Programme shall forward to the Governor a full report on the exercise and performance of its functions during the preceding year together with a certified copy of its audited accounts.

PART V: POWERS IN RELATION TO LAND

Section 28
Entry on Lands.

- (i) No section of Part V of this Law shall be construed to oust or override the provisions of the Land Use Act or any requirements for the acquisition of lands under the relevant laws of Ebonyi State.
- (ii) Whenever it appears to the Programme that any land in the State is to be needed for the purposes of carrying out its functions and objectives as set out in this Law, the Programme shall give seven (7) days prior notice to the owner or occupier of such land of its intention to enter the land. At the expiration of the notice, the Programme may, through its officers or agents and with the necessary workmen, enter upon any such land to:

- (a) Survey the land;
 - (b) Dig or bore under the sub-soil;
 - (c) Do all other acts necessary to ascertain whether the land is suitable for such purpose;
 - (d) Clear, mark and set out the boundaries of such land.
- (iii) The officers, agents or workmen may remain on such land for such reasonable time as may be necessary to ascertain if the land is suitable for the purpose.
- (iv) The Programme shall, where it requires to enter any building or any enclosed courtyard or garden attached to a dwelling house for the purpose of carrying out its functions and objectives, give the owner or occupier of the said building or enclosed courtyard or garden 30 (thirty) days prior notice in writing of its intention to enter.
- (v) If after 30 (thirty) days of service of such notice the owner or occupier of such building, courtyard or garden fails to lodge objection with the Programme in writing, the Programme may proceed with the entry.
- (a) The Programme may subject to section (b) below construct installations on any land entered upon by the Programme and may maintain, examine, repair, alter or remove any installation belonging to the Programme.
- (b) The Programme may also attach any fixture to any building on the said land and may remove trees and underwood which may interfere with the construction or proper working of any of the installations.
- (c) The Programme shall serve on the owner or occupier of such land or building a written notice giving a description of the installation, line and fixture as intended to be constructed or attached.
- (d) If after 30 (thirty) days of such service the owner or occupier fails to lodge an objection with the Programme in writing concerning the installation, line or fixture specified in the notice, the Programme may proceed with the installation, line or fixture.

Section 29
Construction of
Installations

Section 30
Acquisition
of Land.

- (e) If the owner or occupier of any land or building across on which an installation, line or fixture has been constructed or attached requires the position of such installation, line or fixture to be altered, the Programme may as it deems fit alter such installation, line or fixture.
- (f) Any installation, line or fixture placed across, over or under any road shall be placed so as not to interfere with the passage along such road and the Programme shall make good any road or land opened or broken upon by any of its officers, agents or workmen.
- (a) Whenever there is need for an acquisition by the Programme of any land required for the purposes of carrying out its functions and objectives as set out in this Law, the State Commissioner in charge of Lands or any other person authorized by the Governor may, upon the application by the Programme and after such enquiry as the State Commissioner in charge of Lands or any other person authorized in that behalf may deem fit, declare that the land is required for the services of the Programme.
- (b) Upon such declaration being made, the land to which it relates shall be deemed to be required for public purposes of the State and the Programme shall accordingly place its request before the State Commissioner in charge of Lands who will cause the necessary acquisition processes to be in motion.

Section 31
Legal proceeding.**PART VI: MISCELLANEOUS**

- (i) In any suit by or against the Programme, the Programme may be represented in court at any stage of the proceedings by:
 - (a) a Legal Officer;
 - (b) a Legal Practitioner retained by the Programme; or
 - (c) an Officer of the Programme duly authorized by the Programme Manager.
- (ii) No suit shall commence against the Programme or against any member, officer or employee of the Programme until at least one month after the service on the Programme, member, officer or employee as the case may be, of a written notice by or on behalf of the intending plaintiff of an intention to commence the suit stating:

- (a) The cause of action;
 - (b) The particulars of the claim;
 - (c) The name and place of abode of the intending plaintiff, and;
 - (d) The relief claimed.
- (iii) The notice referred to in sub-section (ii) above and any summons, notice or other documents required or authorized to be served on the Programme or on a member, officer or employee of the Programme, except where there is an express provision to the contrary, may be served:
- (a) On the Programme by delivering it to the Programme Manager or by sending it by registered post addressed to the Programme Manager at its head office at Abakaliki.
 - (b) On a member, officer or employee by delivering it personally to the member, officer or employee, as the case may be.
- (iv) In any suit against the Programme, no execution, attachment or process shall be issued against the Programme, but any sum of money which may be awarded against the Programme by any court, where notice of appeal has not been given by the Programme in respect of any judgment, decision or order of the court shall be paid by the Programme from the funds of the Programme.
- (v) In this section "suit" includes any action or any civil proceedings commenced by a writ of summons or by such other manner as may be prescribed by rule of court, but does not include, criminal proceedings.

The affixing of the common seal of the Programme shall be authenticated by the signature of the Chairman of the Executive Committee or such other member authorized in that behalf by the Executive Committee for that purpose and the signature of an officer of the Programme authorized by the Executive Committee to act in that behalf for the purpose.

Section 32
Common Seal.

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 on behalf of the Programme by the person authorized in that behalf for the purpose.

Section 33
Contract not
requiring Seal

Section 34
Proof of
Documents
Issued.

Any document purporting to be a document duly executed under the common seal of the Programme shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or issued.

Section 35
Power to
Contract.

The Programme, may subject to the provisions of this Law, enter into such contract (s) as may be necessary or expedient for the carrying out of its functions under this Law.

THE SCHEDULE

(Section 8)

Section 36
Meetings

1. (a) Further provision applicable to the Executive Committee in which the chairman is present.
- (b) The Chairman shall preside at all meetings of the Executive Committee in which he is present.
- (c) If at any meeting of the Executive Committee the Chairman is absent or if the office of the Chairman is vacant, the Deputy Chairman shall preside at the meeting and Chairman for that meeting shall have the powers of the Chairman for the meeting.
2. (a) The Executive Committee shall hold meetings as may be necessary for the fulfillment of its function at a place and time appointed by the Chairman for the meeting.
- (b) Every question shall be decided by a majority of votes of members present at the meeting and voting on that question. The Chairman or other member presiding shall have an original vote and in the event of a tie, a casting vote.
- (c) Any three members of the Executive Committee may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Executive Committee for the purpose which shall be set out in such notice, and the Chairman shall thereupon summon a special meeting.
3. Where the Executive Committee desires to obtain the advice of any person on any matter, the Chairman may co-opt such a person to be member at such meeting and such person shall when co-opted, have all the rights and privileges of a member, but shall not be entitled to vote upon any question.