

**EKITI STATE MINERAL RESOURCES
DEVELOPMENT AGENCY LAW, 2015**

NO. 4 OF 2015

EKITI STATE OF NIGERIA

**EKITI STATE MINERAL RESOURCES DEVELOPMENT AGENCY
LAW, 2015**

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**A LAW TO ESTABLISH EKITI STATE MINERAL RESOURCES
DEVELOPMENT AGENCY AND OTHER RELATED MATTERS.**

NO. 4 OF 2015.

EKITI STATE OF NIGERIA

Commencement []

ENACTED BY THE EKITI STATE HOUSE OF ASSEMBLY as follows:

1. ESTABLISHMENT OF THE AGENCY.

- (1) There is hereby establishment a body known as Ekiti State Mineral Development Agency (hereinafter called “the Agency”).
- (2) The Agency shall be a body corporate with perpetual succession and a common seal with power to sue and be sued in its corporate name and may hold, acquire, manage, dispose property whether movable or immovable.

2. OBJECTIVE OF THE AGENCY.

The main objective of the Agency shall be to:

- (a) obtain valued data on the inherent rocks and mineral resources potential of the State and popularize such potentials.
- (b) evolve appropriate measures and programmes towards the judicious exploitation and utilization of the rocks and mineral inherent in the State.
- (c) evolve appropriate measures towards the protection of the environment and ecosystem in mining areas in collaboration with other relevant agencies.
- (d) encourage the interest and participation of the indigenous citizens of the State in solid minerals based industries most especially the youths, consultant and professional.
- (e) liaise with related organizations both locally and internationally for the mineral resources potentials in the State.

3. FUNCTIONS OF THE AGENCY.

The functions of the Agency shall include:

- (a) establishment of working relationships with host communities and local government in relation to the conduct of geo-technical and geological surveys of solid mineral deposit within their domain.

- (b) conducting geo-technical survey of solid mineral deposits in the State so as to have valued data in the sector or to monitor a third party with enough credentials to carry out the survey;
- (c) maintaining documentations through solid minerals samples, reports, data, flyers, hand bills, manuals, banners and other computerize records;
- (d) organizing the solid minerals sector to the best interest of the State;
- (e) developing and strengthening the local capacity of investors in the solid minerals sector and build value-re-orientation of indigenes of the State to engage in solid mineral SME business;
- (f) empowering the youths in the State to participate in the mining business under a 'Youth in Mining Programme'(YIM);
- (g) encouraging the proliferation of mining activities and big time business in quarrying, granite cutting and polishing;
- (h) promoting the solid mineral endowment of the State through participation and exhibitions shall be aimed at attracting genuine investors to take advantage of the sold minerals endowment of State;
- (i) establishment of Mineral Resources Laboratory for the analysis of the rocks and solid minerals detected in the State, provide and document the percentage of such minerals;
- (j) establishment of a databank to document the rocks and minerals identified in the State and
- (k) conducting regular visits to mining sites to forestall environmental degradation in collaboration with other Agencies.

4. COMPOSITION OF THE BOARD OF THE AGENCY.

There is established for the Agency a Board which shall comprise of the following members:

- (a) a part-time Chairman to be appointed by the Governor and ten other members comprising;
- (b) five ex-officio members as follows:-
 - (i) the Permanent Secretary, Ministry of Commerce, Industries and Cooperatives.
 - (ii) the Permanent Secretary, Ministry of Local Government and Community Development;

- (iii) the Permanent Secretary, Ministry of Budget and Economic Planning;
- (iv) the Permanent Secretary, Ministry of Finance;
- (v) the Permanent Secretary, Ministry of Environment.
- (c) the Chairman of All Local Government of Nigeria, Ekiti State Chapter (ALGON).
- (d) three other part-time members; one of who shall be a woman.
- (e) the Executive Secretary of the agency, who shall serve as Secretary.

5. TENURE OF MEMBERSHIP OF THE BOARD.

- (1) The Chairman and other members of the Board (not being ex-officio members), shall hold office as may be determined by the instrument of appointment.
- (2) Subject to the provisions of sub-section (1) of this Section, a person appointed as a member of the Board (except an ex-officio member) shall serve for four years in the first instance and be eligible for re-appointment for a further period of four years and no more.
- (3) A member may resign his or her appointment by letter under his or her hand-writing addressed to the Governor.
- (4) Notwithstanding the provision of this Law, members of the Board may be removed by the Governor, if he is satisfied that it is not in the interest of the Agency that such person should continue in office, provided that the Governor shall also have powers to suspend a member, when deemed appropriate.

6. QUALIFICATION OF THE MEMBER OF THE BOARD.

- (1) The Chairman shall be a veteran Geologist or any related field with cognate experience in the field who has excelled in the field of Solid Minerals.
- (2) Other members shall be persons with wide knowledge of the environment and the mineral endowment of Ekiti State, and shall be persons of proven integrity and ability.
- (3) The Chairman shall report directly to the Governor.
- (4) The Constitution and proceedings of the Board meetings of the Agency shall be as provided by the Law.

7. EMOLUMENT OF THE MEMBERS OF THE BOARD.

Each member of the Board, its Committees and any co-opted shall be paid such allowance in respect of travelling and other approved expenses, at such rate as may from time to time be determined by the existing Civil Service allowance circular.

8. FUNCTIONS OF THE BOARD OF THE AGENCY.

The Board shall:

- (a) be responsible for the formulation of policy guidelines for the Agency, including the financial and operational programmes thereof and shall ensure the effective implementation of such policies and programmes.
- (b) have power to make, amend or revoke any regulation, for the furtherance of its objectives and in particular to provide:-
 - (i) for matters relating to the appointment, removal and resignation of the staff of the Agency; and
 - (ii) in consultation with the relevant agency of the State Government, the procedure for terms and tenure of appointments, emoluments, discipline and the conditions of service of the staff recruited or seconded to the Agency.
- (c) approve budgets and work plan of the Agency.
- (d) be responsible for the appointment of External Auditors and approving Audited report annually.
- (e) the supplementary provisions contained in the Schedule to this Law, shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

9. EXECUTIVE SECRETARY OF THE AGENCY.

- (1) The Governor shall upon the recommendation of the Commissioner appoint a Executive Secretary for the Agency who shall be the Chief Executive and Accounting Officer of the Agency.
- (2) The Executive Secretary shall be a Geologist or Geoscientist with the requisite qualifications and must be a member of Council of Mining Engineer and Geoscientists (COMEG)

with not less than 10 years cognate experience in survey and exploration.

- (3) The Executive Secretary shall be the Chief Executive of the Agency and shall hold office on such terms and conditions as may be specified in his letter of appointment.

10. FUNCTIONS OF THE EXECUTIVE SECRETARY.

- (1) The Executive Secretary shall, subject to the policies laid down by the Agency, develop programmes to carry out the purposes and provisions of this Law and without prejudice to the generality of this Law, the Executive Secretary shall in consultation with appropriate Ministries, Agencies and Departments perform the following functions:
 - (a) Establish programme for effective conduct of exploratory activities and monitor third party engaged to carry out geo-technical survey.
 - (b) make adequate consultations with communities or local government where survey for solid minerals shall be conducted;
 - (c) visit regularly mining sites to prevent environmental degradation and prevent unwholesome mining practices in collaboration with other MDAs:
 - (d) Monitor and make documentations of field activities of the Agency:
 - (e) Initiate, promote and strengthen training for youths in mining and solid minerals business with the aim of creating more jobs for youths;
 - (f) Brief the Board on the activities of the Agency.

11. STAFF OF THE AGENCY.

- (1) The Agency may appoint such other staff as its employee as it may deem fit either by direct employment, posting and secondment or such other manners as may be prescribed by the Agency.
- (2) The Agency may also engage the services of consultants and advisers as the Board may determine.

- (3) The Executive Secretary or his delegate shall be responsible for the appointment, promotion and discipline of officers and employees of the Agency.

12. DEPARTMENTS OF THE AGENCY.

- (1) The Executive Secretary shall appoint Heads of Department who shall be in charge of the following Departments of the Agency:-
 - (a) Exploration and Geophysical Survey Department;
 - (b) Mineral Processing Department and exhibition department;
 - (c) Planning Research and Statistics Department (with safety and rapid response unit);
 - (d) Administration and Supply department;
 - (e) Finance and Account department;
 - (f) Investment and Customer Relations department.
- (2) The Executive Secretary shall consult with the supervising Ministry regularly and brief the State Executive Council once every month.

13. POWER TO ACCEPT GIFTS.

- (1) The Agency may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency.

14. BORROWING POWER.

- (1) The Agency may, with the consent of the Governor through the Commissioner in charge of the Supervisory Ministry or in accordance with the general authority issued in that behalf by the Governor, borrow, by way of loan or overdraft from a recognized financial institution, any monies required by the Agency for meeting the Agency's obligations and discharging the Agency's functions under this Law.

- (2) The Agency may, with the consent of the Governor or in accordance with the general authority issued in that behalf by the Commissioner, lend money from the Agency's own fund, towards the specific and general implementation of the Agency's programmes and objectives.
- (3) The terms and conditions of lending any money under subsection (2) of this Section shall be as approved by the Board, from time to time.

15. ESTABLISHMENT OF THE FUND OF THE AGENCY.

- (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this Section:-
 - (a) capital votes and monthly subventions from the State Government.
 - (b) grant from the Federal Government:
 - (c) grants and aids from the Local Governments;
 - (d) grants and aids from donor agencies;
 - (e) subject to Section 13 of this Law, all sums accruing to the Agency by way of gifts, endowments or contributions or otherwise whatsoever; and
 - (f) all monies raised by the Agency by way of loan or overdraft in accordance with Section 14 of this Law.

16. POWER TO INVEST FUNDS.

The Agency may, with the prior approval of the Governor, through the Commissioner in charge of the Supervisory Ministry invest in any manner "authorized by Law, such of the Agency's funds as its not immediately require for the Agency's use.

17. ANNUAL ESTIMATES, ACCOUNTS AND AUDIT.

- (1) The Board shall cause to be prepared and submitted to the Commissioner in charge of the Supervisory Ministry not later than 30th September in each year or such other time as may be directed by

the Commissioner, an estimate of the expenditure and revenue of the Agency during the next succeeding financial year.

- (2) The Agency shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board, such accounts shall be audited by an auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the State.

18. ANNUAL REPORTS.

- (1) The Board shall, not later than 30th July in each year, submit to the Commissioner in charge of the Supervisory Ministry, a report on the activities of the Agency and its administration during the immediate preceding year and shall include in such report the audited accounts of the Agency and the auditor's report thereon.
- (2) The Commissioner shall, as soon as may be after the receipt of the report, present the report to the Governor, together with any comments thereon as may be made by him.

19. POWER OF THE GOVERNOR TO GIVE DIRECTIVES.

The Governor may give to the Board direction of a general nature with respect to any of the functions of the Board or the Agency, and it shall be the duty of the Board or the Agency to comply with such directives or cause them to be complied with.

20. SPECIAL COMMITTEE OF THE AGENCY.

- (1) The Commissioner in charge of the Supervisory Ministry may, from time to time constitute a committee to be known as the Special Committee of the Agency for deliberation on special matters.
- (2) The Board shall prescribe the allowances payable to the organizations and persons elected as members of the Special Committee of the Agency.

21. APPLICATION OF PENSIONS LAW.

- (1) Service in the Agency shall be the approved service for the purposes of the Pensions Law, and accordingly, officers and other persons employed by the Agency, shall in respect of their services in the Agency be entitled to pensions, gratuities and other retirement benefits as prescribed thereunder. However, nothing in this Law shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
- (2) For the purpose of the application of the provisions of the Pensions Law, any power exercisable thereunder by the Commissioner or other authority of the Government of the State is hereby vested in and shall be exercisable by the Agency and not by any other person or authority.

22. INTERPRETATION.

In this Law, unless the context otherwise requires:-

“**Agency**” means the Mineral Resources Development Agency established by Section 1 of this Law;

“**Board**” means the Management Board of the Agency:

“**Commissioner**” means the Ekiti State Commissioner for Commerce, Industries & Cooperatives.

“**Governor**” means the Governor of Ekiti State of Nigeria.

“**Executive Secretary**” means the Executive Secretary of the Agency appointed pursuant to Section 9 of this Law;

“**State**” means Ekiti State of Nigeria.

“**Supervisory Ministry**” means Ministry of Commerce, Industries & Cooperatives.

23. CITATION.

This Law may be cited as the Mineral Resources Development Agency Law, 2015.

SCHEDULE.
(Sections 6 (4))

PROCEEDINGS OF THE BOARD.

1. Meetings.

- (1) The Chairman shall preside at all meeting of the Board when he is present, and when he is not present, such other member of the Board present at the meeting as the members may appoint for that meeting shall preside.
- (2) The Board shall meet not less than once in every quarter at such time, place and day as the Chairman may appoint.
- (3) Meetings of the Board may be convened only at the instance of the Chairman or the Secretary.
- (4) A notice for a meeting of the Board shall specify the time, place, date and agenda of the meeting and shall be served not less than seven clear days before the date of the meeting.

2. Quorum.

The quorum for any meeting of the Agency shall be the Chairman (or the presiding member) and 6 (six) other.

3. Voting.

Subject to the provisions of Section 27 of the Interpretation Law (which provides for decision of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the decisions of the Board shall be taken by a majority of its members and in the case of equality of votes, the Chairman or the person presiding shall have a casting vote.

4. All decisions of the Board shall be ratified by the Chairman.

- (1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman of the Board or of some other members, authorized generally or specially by the Board, for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate which would not be required to be under seal, may be made

or executed on behalf of the Agency by any person generally or specially authorized by Law for that purpose by the Agency.

5. Vacancy.

The validity of the proceedings of the Board or a committee thereof, shall not be affected by any vacancy in the members of the Board or committee, or by any defect in the appointment of a member of the Board or of a person to serve on the committee or by reason that a person not entitled to do so, took part in the proceedings.

6. Disclosure.

Any member of the Board or a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board and shall not take part in the proceedings relating to the contract or arrangement.

7. Service.

A person shall not, by reason only of his membership of the Board be treated as holding an office in the public service of the State or Local Government.

8. Personal Liability.

No member of the Board or committee shall be personally liable for any Law or default of the Agency done or omitted to be done in good faith in the course of the operations of the Board or committee.