

CHAPTER 56

ENUGU STATE GRAINS PRODUCTION AGENCY LAW

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CHAPTER 56

ENUGU STATE GRAINS PRODUCTION AGENCY LAW

ENSL 1998
No.9

A Law to provide for the establishment of a grains production agency as a catalyst for the promotion of enhanced production of grains in the State.

[27th August, 1991]

1. This Law may be cited as the Enugu State Grains Production Agency Law.

Short title.

2. In this Law —

Interpretation.

“Board” means Management Board of the Agency established by section 3;

“Chairman” means Chairman of the Board;

“Commissioner” means State Commissioner for the time being charged with

responsibility for matters relating to agriculture;

“General Manager” means General Manager of the Agency;

“Governor” means Governor of Enugu State;

“grains” includes maize, rice, soyabean, cowpea and sorghum;

“member” means member of the Board;

“participant” means a person duly selected by the Agency to be a participant in the scheme;

“prescribe” means prescribe by regulations;

“State” means Enugu State of Nigeria.

3. (1) There is hereby established for the State a body to be known as the Enugu State Grains Production Agency.

Establishment
of 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 Governor;
 - (ii) the Ministry for the time being responsible for matters relating to agriculture;
 - (iii) the Ministry for the time being responsible for matters relating to finance and economic planning;
 - (iv) the Ministry or Department for the time being responsible for matters relating to rural development.
 - (v) the Department of Agriculture of any of the Universities sited in the State as the Commissioner may designate; and
 - (d) the General manager.

(2) The persons who are members by virtue of paragraphs (c) and (d) of subsection (1) are *ex officio* members.

Board to
exercise
functions of
the Agency.

5. The Board is the governing body of the Agency 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 written law be required to do or carry out.

Validity of
Board's
Proceedings.

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 not exceeding three years as may be specified in the instrument or letter by which he is appointed; but 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 for 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 approve.

Remuneration and allowance

9. The Board 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 to enhance the efficient conduct of the affairs of the Agency.

Delegations of functions.

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

Functions of Agency.

- (a) to negotiate with any person or community who or which has an interest in land and obtain or secure from such person or community, upon such terms as may seem to the Agency most favourable, land for the purpose of the grain production scheme;
- (b) to call for and conduct the registration of persons who intend to participate in the scheme;
- (c) to conduct interviews and, in accordance with such criteria as it may establish, select persons considered by it to be qualified as participants;
- (d) to apportion the land obtained or secured by it pursuant to this Law among the participants so as to enable each participant cultivate grains on the portion allotted to him;
- (e) upon such terms and conditions as it may determine, to provide seeds, agro-chemicals and fertilizer, and generally supervise the activities of the participants in their farms;
- (f) to prescribe the method of sharing between it and the grains by the participants;
- (g) to prescribe the method of disposal to the members of the public, or of storage, of its own share of the harvested grains;
- (h) subject to such conditions as it may impose, to pay to participants such stipends or allowances as it may by regulations prescribe;
- (i) 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;

- (j) 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 request, such advice, assistance or service as relates to grains production.
- (k) to do all such other things as may 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.

(3) A 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 member 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 to the provisions of this section, the Board may make standing orders for regulating its procedure.

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

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

12. (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 service of the State, and may assign to that person such general or specific duties as it considers fit.

(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, emoluments and conditions of service;
- (b) make regulations relating to the discipline and conduct of the staff of the Agency.

13. (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; but he shall be eligible for re-appointment 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 and the overall supervision of staff matters.

14. Service under the Agency shall be public service for pension purposes within the meaning of the Pensions Law.

Nature of Service.

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

Fund of the Agency.

- (a)** such moneys 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)** moneys 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 as may in any manner become payable to or vested in the Agency in connection with its functions under this Law.

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

Application for Funds and Resources.

17. The Agency may, with the approval of the Governor as to —

Borrowing Powers.

- (a) the amount which the Agency seeks to borrow;
- (b) the proposed lender;
- (c) the particular purpose for which the loan is required; and
- (d) the terms upon which the loan is to be raised;

borrow any sum of money required for meeting its obligations or discharging its functions under this Law.

Annual
Estimates.

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

Reports,
Accounts
and
Auditing.

19.(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 State Commissioner 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 Public Accounts Committee.

Exemption
from
Liability.

20. 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.

Status of a
Participant.

21. For the avoidance of doubt, it is hereby declared that a participant in the scheme is not a person employed or otherwise engaged in the public service of the State within the meaning of section 318 (1) of the Constitution of the Federal Republic of Nigeria, 1999 and that the relationship thereby created between the Agency or the State Government and a participant is not and shall not be construed as that which exists between a master and servant.

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 judgment 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 Agency.

(2) For purpose of subsection (1) of this section, "suit" includes any action or civil proceeding commenced by a writ of summons or in such other manner as may be prescribed by rules of court but does not include criminal proceedings.

24. The affixing of the seal of the Agency shall be authenticated by the signatures 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 specially, by the Agency to act in his stead for the purpose.

Common seal..

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 authorised by the Agency for that purpose.

Contract not requiring a Seal..

26. 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 and, without prejudice to the generality of the power so conferred, any regulations made under this section may provide for any matter or thing required to be prescribed under the provisions of this Law.

Regulations.