

CHAPTER 70

ENUGU STATE RURAL DEVELOPMENT AUTHORITY LAW

Arrangement of sections

Section

PART I — PRELIMINARY

1. Short title.
2. Interpretation.

PART II — ESTABLISHMENT AND FUNCTIONS OF AUTHORITY

3. Establishment of Authority.
4. Establishment of Board.
5. Board to exercise functions of Authority.
6. Validity of proceedings.
7. Tenure of office.
8. Remuneration and allowances.
9. Delegation of functions.
10. Functions of Authority.
11. Coincidence of functions.
12. Directions of Governor.
13. Meetings of the Board.
14. Quorum.

PART III — STAFF OF AUTHORITY

15. Staff.
16. Secretary.
17. Pensionable of service.

PART IV — FUNDS

18. Funds of Authority.
19. Application of funds.
20. Annual estimates.
21. Reports, accounts and auditing.

PART V — MISCELLANEOUS

22. Exemption from liability.
23. Restriction on execution.
24. Representation in Court.
25. Common seal.
26. Contract not requiring a seal.
27. Regulations

CHAPTER 70**ENUGU STATE RURAL DEVELOPMENT AUTHORITY LAW**ENSL 1998
No. 12**A Law to make provisions for the establishment, functions and administration of a rural development authority for the State.***[27th August 1991]***PART I — PRELIMINARY**

1. The Law may be cited as the Enugu State Rural Development Authority Law, Short title.

2. (1) In this Law — Interpretation.

“Authority” means Enugu State Rural Development Authority established by section 3;

“Board” means Enugu State Rural Development Authority Management Board established under section 4;

“community” means a place identified as a town in or other component part of a local government area and includes the inhabitants of such place;

“Governor” means Governor of the State;

“Secretary” means Secretary to the Authority;

“social organization” includes an age grade society and any other organization, association or body whose objectives include the participation of its members in voluntary services or the promotion of community development;

“State” means Enugu State of Nigeria;

“State Directorate” means the State branch of the Directorate of Food, Roads and Rural Infrastructure established by the Directorate of Food, Road and Rural Infrastructure Act.

**PART II — ESTABLISHMENT AND FUNCTIONS
OF AUTHORITY**

3.(1) There is hereby established a body to be known as the Enugu State Rural Development Authority. Establishment of Authority.

(2) The Authority 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 Board.

4. (1) There is hereby established for the Authority, a Board to be known as the Enugu State Rural Development Authority Management Board which shall comprise —

- (a) a Chairman appointed by the Governor upon such terms and conditions as may be specified in the letter or instrument by which he is appointed;
- (b) at least five fit and proper persons, appointed on part-time basis by the Governor;
- (c) a representative each of —
 - (i) ministry for the time being responsible for local government;
 - (ii) the Ministry for the time being responsible for matters relating to works.

(2) The persons who are members by virtue of section 4(1) (c) are *ex officio* members.

Board to
exercise
functions of
Authority.

5. The Board is the governing body of the Authority and shall in that capacity —

- (a) exercise all the functions and powers of the Authority; and
- (b) do or carry out all acts or things which the Authority is by this Law or any other law, required to do or carry out.

Validity of
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 letter or instrument by which he is appointed;

(2) Notwithstanding anything contained in the letter or instrument 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 of the member shall determine.

Remuneration
and
allowances.

8. There shall be paid to the members, other than *ex officio* members, such remuneration or allowances as the Governor may prescribe.

9. The Board may delegate to any person or body such of the functions of the Authority 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 Authority.

Delegation of functions.

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

Functions of Authority.

- (a) to formulate and give effect to a State rural road net-work programme involving construction, rehabilitation, improvement and maintenance of roads in the rural areas of the State;
- (b) to formulate and give effect to a State rural water supply programme involving construction, operation, rehabilitation, improvement and maintenance of water boreholes, water works and similar works in the rural areas of the State;
- (c) to identify and give effect to other programmes that would enhance productive and economic activities in the rural areas and to contribute towards improving the quality of life and standard of living of the people in the rural areas of the State;
- (d) either independently or in co-operation with any person or body of persons whether corporate or unincorporate, to commission, promote and support studies and research projects geared towards facilitating and enhancing rural development activities in all parts of the State;
- (e) to involve the leaders of any community and leaders of social organizations for sustained rural development activities and promoting economic self-reliance in such community and among the members of such organizations;
- (f) to liaise, as may be necessary, with any person or body of persons (whether corporate or unincorporated), communities, State Government Ministries, Government agencies and Local Governments in the formulation and implementation of programmes designed to enhance rural water supply, road construction and maintenance, and any other rural development activities considered appropriate by the Governor.
- (g) to do all such other things as may enable the Authority more effectually perform its functions under this Law.

(2) In carrying out its functions under this Law the Authority shall as much as possible, in its area of operation, utilize the services of the local communities through encouraging such communities to contribute in labour and materials.

(3) In the performance of its functions under this Law, the Authority shall co-operate, and as far as practicable work in liaison, with the State Directorate.

11.(1) Where any specified function of the Authority under this Law is similar to or coincides with a function assigned to any other corporate body by a Law of the State established (not being a local government), such function shall, in relation to the rural areas of the State, be exercisable by the Authority together with that other corporate body.

(2) Notwithstanding subsection (1), the Governor may by an order published in the State *Gazette* define specified areas of responsibility in relation to the functions of the Authority and those of any corporate body affected by this section.

12. The Governor may from time to time give to the Board directions of a general nature as to the manner in which the Authority is to exercise its functions under this Law and it shall be the duty of the Board to give effect to such directions.

13.(1) The Board shall hold its meetings as and when the need arises; provided that there shall be at least one meeting of the Board each month.

(2) All meetings of the Board shall be summoned on the direction of the Chairman or at the request made to the Chairman in writing by three members.

(3) Every 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 number 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.

Coincidence
of function.

Directions of
Governor.

Meetings of
Board

(4) Subject to this section, the Board may make standing orders to regulate its procedure.

(5) The Board may co-opt any person to be a member for such meeting or meetings as may be required and such person while so co-opted shall have the rights and privileges of a member except that he shall not be entitled to vote upon any question.

14. At any meeting of the Board, the Chairman and three other members shall form a quorum, but where the Chairman is absent from the meeting any five members shall form a quorum. Quorum.

PART III — STAFF OF AUTHORITY

15.(1) For the effectual carrying out of its functions under this Law, the Authority may request 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. Staff.

(2) Without prejudice to subsection (1), the Board may, with the approval of the Governor —

- (a) appoint such persons as it may consider necessary to be officers and servants of the Authority and shall determine their salaries, emoluments and other conditions of service;
- (b) grant or guarantee loans to such officers and servants for such purposes as it may approve.

16.(1) The Authority shall appoint as Secretary to the Authority a person having, in the judgment of the Authority, requisite competence and initiative to function in an executive capacity. Secretary.

(2) The Secretary shall —

- (a) be responsible for carrying out the policy decisions of the Board;
- (b) upon the direction of the Chairman, summon all meetings of the Board;
- (c) conduct or cause to be conducted the correspondence of the Authority;
- (d) record and keep or cause to be recorded and kept in a book provided for the purpose, the proceedings of the meetings of the Board;

- (e) be responsible for the day-to-day administration of the affairs of the Authority as the Board may direct;
- (f) perform such other duties as the Board or the Chairman may from time to time assign to him.

Pensionable of service.

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

Funds of Authority

18. The funds of the Authority shall consist of —

- (a) such moneys as may from time to time be appropriated by the State Government;
- (b) moneys accruing to the Authority by way of endowment, grants donations, gifts or otherwise;
- (c) any loans made to the Authority;
- (d) such other sums of money as may in any manner become payable to or vested in the Authority in connection with its functions under this Law.

Application of funds

19. The funds of the Authority shall be applied by the Authority in pursuance of its functions under this Law.

Reports accounts and auditing

20. The Authority 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 Authority for the next ensuing financial year.

Reports accounts and audit

21 (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 Authority 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 Authority.

(2) The Authority shall —

- (a) keep proper books of accounts;
- (b) keep proper records relating to such accounts; and

- (c) prepare in respect of each financial year a statement of accounts in the form prescribed by the Personnel Secretary of the State Ministry responsible for matters relating to finance.
- (3) The accounts of the Authority shall be audited annually by such auditors as may with the approval of the Governor be appointed in that behalf by the Authority and the fees of the auditors shall be paid by the Authority.
- (4) The accounts of the Authority together with the auditor's report thereon shall in each year be laid before the State Public Accounts Committee.

PART V — MISCELLANEOUS

22. No member or servant of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the business of the Authority.

Exemption from liability.

23. In any suit against the Authority, no writ of execution or attachment or other process in the nature of any such writ shall be issued against the Authority but any judgment debt accruing against the Authority shall be paid from the funds of the Authority.

Restriction on execution.

24.(1) At any stage of the proceedings in any suit, the Authority may be represented by —

Representation.

- (a) a servant of the Authority duly authorized in writing in that behalf by the Authority; or
- (b) a legal practitioner authorized in writing in that behalf by the Authority;

(2) For the purposes of this section and the last preceding section, "suit" includes action or any 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.

25. The affixing of the seal of the Authority shall be authenticated by the signature of the Chairman or some other member authorized, either generally or specifically, by the Authority to act in his stead for the purpose, and of the Secretary or some other person authorized, either generally or specifically, by the Authority to act in his stead for the purpose.

Common seal

Contract not
requiring a seal.

26. 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 Authority by any person generally or specifically authorized by the Authority for that purpose.

Regulations

27. The Authority 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.