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**A BILL FOR
A LAW TO ESTABLISH NIGER STATE PLANNING
COMMISSION AND FOR MATTERS CONNECTED
THEREWITH**

BE IT ENACTED by the House of Assembly of Niger State of Nigeria and by the Authority of same in this present Assembly as follows:

*Citation and
Commencement.*

1. This law may be cited as the Niger State Planning Commission law, 2011 and shall come into force on 24th of May, 2011.

Interpretation.

2. In this law unless the context otherwise requires:

"Governor" means the Executive Governor of Niger State;

"Commission" means the Niger State Planning Commission;

"Member" means a member of the Commission and includes the Chairman;

"State" means the Niger State of Nigeria;

"Special Fund" means fund specially disbursed and meant for specific projects or programmes of the State;

"Function" includes duties and powers;

"Ministry" means Ministry of Finance;

"National Economic Council" means the National Body chaired by the president with the responsibility of deciding the economic policies of the country;

"Joint Planning Board" means Board of the Federal and State Planning Commission.

*Establishment
of the
Commission.*

3. (1) There is hereby established for the State a body called the Niger State planning Commission (hereinafter referred to as "The Commission").

(2) The Commission shall

- (a) be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name;
- (c) may acquire and dispose of property whether movable or immovable.

4. (1) The Commission shall consist of:

*Membership
of the
Commission.*

- (a) The Executive Governor as chairman;
- (b) The State commissioner of Economic Planning as deputy chairman;
- (c) The Commissioner of Finance;
- (d) Honourable Attorney General and Commissioner for Justice;
- (e) Commissioner of Works and Infrastructure;
- (f) Commissioner of Agriculture;

Government on matters relating to the development and overall management of the State revenue and economy;

(ii) provide focal point for the co-ordination and formulation of policies and programmes for the state and Local Governments;

(iii) draw up from time to time, the economic priorities and programmes and map out the implementation strategies;

(iv) co-ordinate the formulation and implementation of Government programmes and projects as contained in annual plans, budgets and in the medium term and perspective plans of the State and Local Government; and

(v) determine how best the State and the Local Government can realize the set objectives and plans.

7. For the purpose of achieving the objectives of the Commission as set out in section 6 above, the Commission shall perform the following functions.

- (a) co-ordinate the planning of programmes of the State and Local Governments within the frame workof national objectives and priorities;
- (b) transmit the State and Local Governments programmes to the national planning Commission;
- (c) serve as focal point for planning and monitoring activities at the State and local Government Level;
- (d) ensure consistency in the programmes of the State and Local Government for medium term plans and the annual budgets; and
- (e) liaise from time to time with the national planning Commission.

Powers of the Commission.

8. (1) In the discharge of its functions and duties the Commission shall have powers to:

- (i) formulate and prepare long-term, medium-term and short-term development plans for the State and Local Governments within the framework of the national objectives and priorities and transmit same to the National planning Commission;
- (ii) advise the State Government on areas where the National Planning objectives and priorities are being seriously hampered or violated at the State or Local Government level;

- (iii) prevail, with the approval of the State Executive on the Ministry of Finance not to release funds for any project that has not been properly approved in the State Plan and in the annual budget or project for which there is lack of adequate information on its implementation status;
- (iv) ensure consistency of the State plan and the Annual budget through the issuing of appropriate circulars setting out broad guidelines for preparation of recurrent and capital expenditures of the State; including prescribing budget ceilings;
- (v) monitor, on quarterly and or on regular and continuous basis, projects and progress relating to their implementation. Its monitoring reports would form the basis of capital release to project;
- (vi) co-ordinate all matters relating to multilateral and bilateral economic co-operation, including development aids and technical assistance programmes or as may be engaged;
- (vii) undertake periodic review and appraisal of the

manpower resources capabilities of the State with a view to advancing their development, efficiency and effective utilization;

(viii) conduct pre- investment and feasibility studies and also appraise feasibility studies conducted by external consultants on behalf of the Government;

(ix) in collaboration with the State Bureau of Statistic, collect, collate, analyze and disseminate statistical data in respect of the State and collaborate with the National Bureau of Statistics, other State Governments, Universities, Research institutions and International Statistical organizations on behalf of the State Government on statistical matters;

(x) liaise from time to time, with the National Planning Commission, on general economic matters and ensure attendance at the meetings of the Joint Planning Board and the National Economic Council and any other body of similar functions with that of the Commission.

(2) The Commission shall assist the Local Government in the formulation of their development plans and annual budgets;

9. (1) There shall be appointed by the Governor a Secretary for the Commission whose rank shall be equivalent to that of a Permanent Secretary in the State Civil Service.

(2) A Secretary appointed under sub-section (1) above, shall be a person of good repute and high professional competence and the Chief accounting Officer of the Commission.

(3) The duties of the Secretary shall include:

(a) Carrying out the day to day running of the activities of the Commission;

(b) implementation of the decisions, policies and approved recommendations of Commission:

(c) Carrying out such other duties as may be directed to him from time to time by the Commission; and

(d) Heading the Secretariat and responsible for Secretariat functions of the Commission.

(4) The Commission may appoint subject to approval by the Chairman, whether on transfer or secondment such other persons as the Commission may deem fit and necessary to appoint in the performance of its functions under this Law.

*Power to
Appoint
Staff.*

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(5) the staff of the Commission appointed pursuant to sub-section (4) above, shall be public officers appointed upon such terms and conditions of service as the Commission, may after consultation with the State Civil service Commission, determine.

Tenure of Office.

10. (1) Any member of the Commission may be removed from office by the Governor if:

(a) The member ceases to hold office of the member or be the Chief executive of the relevant Ministry, Department or Local Government Councils;

(b) he is satisfied that it is not, in the interest of the Commission or the public that the member continues in office as a member of the Commission.

(2) Where a vacancy occurs in the membership of the Commission, the Governor may appoint any person to hold office for the unexpired period of the term of his predecessor.

Funds of the Commission.

11. (1) The Commission shall establish and maintain a fund from which shall be defrayed all the expenditure incurred by the Commission.

Functions of the Commission.

(2) There shall be paid and credited to the fund established in sub-section (1) above.

(a) Such money as may from time to time, be granted or disbursed to the Commission by the Government of the Federation, State or Local Government;

(b) all subscriptions, fees and charges for service rendered to Local Governments or publications made by the Commission; and

(c) all other monies accruing to the Commission from any other source approved by the State Government and which shall be properly accounted for and reported on.

(3) The Fund shall be managed in accordance with the rules and directions by the Governor, without prejudice to power of the Commission to make rules under this sub-section.

(4) The rules shall in particular specify:

(a) The manner in which the assets or the fund of the Commission shall be held and regulate the making of payments into and out of the funds; and

(b) require the keeping of proper books of the fund in such form as may be specified in the said rules.

(5) The Secretary, shall not less than three months to the end of each financial year, prepare and forward to the Governor, an estimate of the income and expenditure of the Commission for the next succeeding year.

(6) The Commission shall keep proper accounts of its payment, receipt, assets and liabilities and shall submit same at the end of every year for auditing by the Auditor General of the State.

(7) The commission shall prepare and submit to the Governor, not later than six months after the end of each financial year a report on the activities of the Commission during the preceding year which report must include a certified copy of the audited accounts and the Auditor general's report thereon.

(8) The existing capital development fund and other funds the execution of capital programmes under perspective and medium plans and the approved capital budget shall be controlled by the Commission.

(9) The fund shall be disbursed in financing programmes and in line with the specific regulations and guidelines where special funds are involved.

Account
Commission

Accounts
and
Audits

(10) (i) The Commission may, from time to time apply the proceeds of the funds established pursuant to Section 11 of this law to the cost of administration;

(ii) in compliance with public Procurement Law, the Governor may stipulate conditions for award of contracts by the Commission.

*Award of
Contracts.*

12. (1) On the Commencement of this law:-

*Transitional
Provision.*

(a) The Department of Budget and Planning of Ministry of Finance and Economic Planning shall cease to exist and its rights and obligations shall reside in the Commission.

(b) The staff of the Department of Budget and Planning shall be absorbed by the Commission, however that a staff may opt out of the Commission within sixty days of the coming into force of this Law.

(2) All existing legislation and guidelines that are at variance with the Law shall be deemed to have been amended accordingly.

*Relationship
with other
Bodies.*

13. (1) The Commission shall provide the Secretariat for the following bodies:

(a) State manpower Committee;

(b) State Inter-Ministerial Committee on feasibility studies; and

(c) State Date Bank among other.

(2) The Commission shall maintain liaison with the private sector, Universities, Research Institutions, Non-Governmental Organizations and such other bodies as may be useful in promoting plan formulation and implementation at the state and Local Government levels

(3) The Commission shall be represented on the Committees, Boards and Governing Councils of such bodies as the Governor may direct and without prejudice to the foregoing provisions, the Commission shall, on the commencement of this Law, be represented on all the Committees of Ministries or departments on which the defunct Department of Budget and Planning served.

14 The Governor may make regulations generally *Regulation.*
for the purpose of giving effect to the provisions of this Law.

15. Subject to the provisions of this law, the State *Power to give directives.*
Governor may give to the Commission directives of a general
nature or relating generally to matters of policy with regard to
the exercise by the Commission of its functions and it shall be
the duty of the Commission to comply with the directives.

16. Subject to the provisions of this Law, the *Limitation of Suits against the Commission.*
provisions of the Public Officers Protection Law shall apply in
relation to any suit instituted against an officer or employee of
the Commission.

SCHEDULE

1. (1) The Commission shall meet for the conduct of
its business at such time, place and on such day as the
Chairman may appoint but shall meet not less than twice
in a year.

(2) At a meeting in which the Chairman is not present,
the Deputy Chairman shall preside.

2. The Commission shall have power to regulate its
proceedings and may make standing orders for the purpose and subject
to any such standing orders and to paragraph 3, of this schedule, may
function notwithstanding;

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- (a) any vacancy in its membership or absence of any member;
- (b) any defect in the appointment of a member; or
- (c) that a person not entitled to do so took part in its proceedings.

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3. The quorum at any meeting of the Commission shall be a simple majority of the members.

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4. Where standing orders made under paragraph 2 of this schedule provide for the Commission to co-opt or invite persons who are not members of the Commission, such persons may attend meeting of the Commission, but shall not count toward forming a quorum, and shall not be entitled to vote at any meeting of the Commission.

5. The Commission may appoint one or more Committees to advise it on the exercise and performance of its functions under this law and shall have power to regulate the proceeding of its Committees.

6 (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorized in that behalf by the Commission.

(2) Any member of the Commission or of a Committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a Committee thereof, shall forthwith disclose his interest to the Commission or the Committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.

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7. (1) The Common seal or the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Commission shall be authenticated by the signature of the Deputy Chairman or some other members authorized generally or specifically by the Commission to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved be deemed to be so executed.

EXPLANATORY NOTE

(This Law seeks to establish Niger State Planning Commission with aims and objectives among others to determine and advise the State and Local Governments on matters relating to the development and overall management of the State revenue and shall be autonomous).

FIRST SCHEDULE

I assented this 2nd day of June, .2011 Time: 3.25 p.m.

Dr. Muazu Babangida Aliyu OON
Governor of Niger State

*Award of
Contrats.*

SECOND SCHEDULE

I assented this 2nd day of June, .2011 Time: 3.25 p.m.

Dr. Muazu Babangida Aliyu OON
Governor of Niger State

*Transitional
Provision.*

THIRD SCHEDULE

I, Mohammed A. Rijau, Clerk to the legislature of Niger State hereby certify that this Law has been passed in accordance with Sub-Section 3 of Section 100 of the Constitution of the Federal Republic of Nigeria 1999. This printed impression has been carefully compared by me with the Bill, which has been passed by the Legislature and found by me to be a true and correctly printed copy of the said Bill.

MOHAMMED A. RIJAU
Clerk to the Legislature

