



A

LAW TO ESTABLISH NIGER STATE INVESTMENT PROMOTION AGENCY AND FOR OTHER MATTERS CONNECTED THERE WITH

BE IT ENACTED by the Niger State House of Assembly in this present Assembly as follows:-

PART I—ESTABLISHMENT OF THE NIGER STATE INVESTMENT PROMOTION AGENCY

1. This Law may be cited as the Niger State Investment Promotion Agency (Establishment) Law, 2023 and shall come into operation on the 27th day of December, 2023.

Interpretation: 2. In this Law, unless the context otherwise requires:

“**Agency**” means, the Niger State Investment Promotion Agency established under Section 3(1) of this Law.

“**Board**” means the Board Established for the Agency under Section 2(1) of this Law.

“**Chairman**” Means the board of the Agency

“**Capital**” means all assets both capital and material.

“**Commissioner**” means for the time being responsible for investment promotion.

“**Funds**” means the fund established for the Agency pursuant to section 19:

“**Committee**” Means the committee established by the Board;

“**Governor**” means the Executive Governor of Niger State of Nigeria.

“**Government**” Means the Government of Niger State;

“**Investment**” means both foreign and local investment made to acquire an interest in an enterprise operating within the economy of Niger State.

“Investor” Means any individual, corporation, partnership, or other legal entity seeking to invest in projects within the economy of Niger State;

“Prescribe” means prescribe by regulations made under this Law; and.

“State” means Niger State of Nigeria.

“Secretary” means Secretary to the Board.

3. (1) There is hereby established a body to be known as the Niger State Investment Promotion Agency (herein after referred to as the “Agency”).

(2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name;

(3) The purpose of the Agency is to initiate, promote, facilitate, attract and coordinate investment in the State through Greenfield and Brownfield investment, private sector and Market Development projects and all types of PPP models;

4. (1) There shall be for the Agency, a Board which shall be responsible for policy development, monitor execution of policies so developed, support and promote the functions of the Agency hereunder, and ensure the carrying out of the mandate from time to time by the Governor.

(2) The Board shall be appointed by the Governor and shall consist of:

(a) The Chairman, who shall be the Executive Governor:

(b) Three representatives appointed by the Governor from Ministry of Investment, and Ministry of Lands and Housing, and Ministry of Local Government, and chieftaincy not below the rank of Permanent Secretary as ex-officio members.

(c) Two representatives of the Organized Private Sector in the State (Preferably members of Manufactures Association of Nigeria and Nigeria Association of Chambers of Commerce, Industry, Mines & Agriculture (NACCIMA) Niger State Chapter); and;

(d) The Chief Executive Officer of the Agency

(e) Secretary to the board who shall be a legal practitioner with at least 10 years post call experience.

(3) The supplementary provision set out in the schedule to this Law shall have effect with respect to the proceedings of the Board and other matters contained therein.

5. (1) A member of the Board shall hold office for a term of four years and may be re-appointed at the discretion of the Governor for further term of four years.

Establishment of the State Investment Promotion Agency

The Board of the Agency.

(2) A member of the board may at any time, resign from his office in writing addressed to the Governor who is the Chairman of the Board.

(3) A member of the Board may be removed before the expiration of his tenure in writing by the Governor.

(a) If such member is incapacitated by some physical or mental infirmity, from the performance of the duties for which he was appointed.

(b) If he is indicted for fraud, embezzlement or dishonest conduct; or

(c) Whereby his conduct, his continuous presence on the Board is considered inimical to the smooth running of the Agency of the attainment of the objectives for which the Agency was created.

(4) Members of the Board shall be paid allowances as may be determined by the State Government, based on their commendation of Chief Executive Officer.

PART II – FUNCTIONS AND POWERS

6. (1) The Agency shall encourage, promote and co-ordinate investment in the State Economy and accordingly may;

(a) Coordinate and facilitate industrialization and development of all Economic sectors of the State.

(b) Coordinate investment promotion activities in the State;

(c) In consultation with relevant stakeholders initiate, organize and participate in promotional activities such as exhibitions, conferences and seminars for the stimulation of investment.

(d) Initiate and support measures which shall enhance the investment climate in the State;

(e) Develop private sector, economic growth and development projects to catalyze the entry of investor in the state;

(f) Establish and coordinate a One-Stop Investment Facility (which shall have desk officers from relevant Ministries that relate to investment) in the State;

Functions of the Agency.

(g) Promote the growth and sustainable development of the Private Sector in the State.

(h) Maintain liaison between investors and relevant Ministries concerned with investment in the State;

(i) Provide and disseminate up-to-date information on incentives available to investors;

(j) Advise and assist the government in developing and maintaining a comprehensive and reliable database on investment opportunity for effective planning especially in areas where the state has demonstrable comparative and competitive advantage.

(k) Publish and periodically revise data and information on the investment status of the State in order to assist prospective investors-both domestic and foreign-to evaluate the State's potential as an investment destination;

(l) Develop a database of reputable prospective and potential investors both in Nigeria and abroad with a view of reaching out to them when opportunities arise;

(m) Assist incoming and existing investors by providing support services.

(n) Advise the Governor and Local Government Council on land to be acquired for industrial, commercial and agricultural purposes;

(o) Facilitate access to finance for investors in or intending to invest in the State.

- (p) Facilitate access by investors to a public fund of the State earmarked or made available for industrial development.
- (q) Facilitate access by investors to any public fund of the State earmarked or made available for industrial.
- (r) Act as mediator/conciliator in a dispute between investors and the Government of the State or any of its Agencies.
- (s) Facilitate leap base investment by government in a sector of the economy as a means of encouraging investment in that sector of the economy;
- (t) Identify inventions capable of boosting the socio-economic development of the State, make such inventions known to the public and enter into such arrangements with holders of patent to the inventions with a view to securing their cooperation investors;
- (u) Identify investment opportunities in any sector of the State Economy which the State has comparative advantage over other States and imitate activities in the sector with a view to attracting investment interest to the sector;
- (v) Manage government industrial and commercial estates and assist investors obtain grants of land earmarked or acquired by the Governor for industrial, commercial or agricultural purposes.
- (w) Ensure continuous harmony between host communities and investors and maintain balance between demands of host communities and corporate social responsibilities of investor companies.
- (x) Subject to payment of requisite fees and demonstration of sufficient investment interest, to act as agent or vacillator to an investor to secure such permits, licenses or any other compliance requirement for investing in any sector of the economy in the State.
- (y) Source on behalf of the Government, finance for investment from multilateral and bilateral development partners as well as private investors – both domestic and foreign – through public private partnerships and other financial arrangements as well as, where appropriate acting as negotiator in deals with private investors that ensure the needs for the State and those of its citizens as well represented;

(a) Coordinate all private sector participation in infrastructure development and/or service delivery in the state, public private partnership, commercialization, and private transaction even where they are identified and/or project managed by other Ministries, Departments and Agencies.

(b) Establish standards, procedures and regulations for the execution of public private partnerships, commercialization and privatization transaction in the state

(z) Charge fees for services rendered or to be rendered by the Agency; and from investors in connection with the projects facilitated, promoted, or serviced by the agency. These fees shall be established by the agency's board of directors and approved by the Government. The fees structure may include one-time fees, annual fees, or any other appropriate model.

(a) Perform such other functions as are supplementary or incidental to the attainment of the objective of this Law.

(aa) Monitor the implementation, execution and delivery of projects as contained in agreements between the State Government and respective investor.

(ab) assist the State in building capacity for investment project identification, evaluation, planning, execution and management.

(ac) advise and assist in the establishment of a framework for monitoring and evaluating the process of the State's strategic economic investment programmed and projects for effective implementation;

(ad) establish a framework for identifying and pro-actively engagement the Federal Government and its agencies in the investment promotion drive of the State;

(2) The power of the Agency to coordinate under paragraph

(1) (a) and (b) of this section shall be subject to the direction of the Commissioner.

7. The Agency shall have power to:

(a) Serve as secretariat to all investment projects and programmes in Niger State.

(b) Serve as first point of call to all direct investment in the State;

(c) Do all things which by this Law or any other enactment are required or permitted to be done by the Agency.

- (d) Do all such other things as necessary or expedient for the performance of its functions under this Law; and
- (e) Require an investor to register with the Agency as a prior condition for any investment incentive of Government.
- (f) conclude arrangements with any person and or organization for the effective implementation of any programme or project and to enter into such contract as it may deem necessary to facilitate under this Law;
- (g) procure, within its budgetary limit, any property or service it may require for the effective discharge of its functions under this Law and to dispose of any such property or terminate any such service;
- (h) request the Head of any Ministry, Department or Agency of the Government to furnish it with any document, explanation or other information it may require for the due execution of its functions under the Law;
- (i) regulate its own proceedings;
- (j) insure its property against all forms of risk;
- (k) Coordinate the actualization of all proposed strategy investments identified by the Governor in his campaign promises.

PART II – STAFF

8. (1) There shall be appointed for the Agency by the Governor, a Chief Executive Officer.
- (2) A person shall not be appointed a Chief Executive Officer of the Agency under subsection (15.1) unless;
- (a) He / She has at least 10 years experience in private or public service of the State or The Federal as been involved in investment promotion and related activities; or has private sector development experience of at least 5 years; or
 - (b) He / She has a minimum of First Degree or its equivalent in Social Science, Business administration, Finance, Economics or Engineering and not less than fifteen years working experience in total;

(3) Subject to such mandate to be given by the Governor to the Chief Executive Officer of the Agency and such policy direction as the Board may give from time to time under Section 6(1) hereof, the Chief Executive Officer shall be responsible for the day to day administration of the Agency and shall take all necessary decisions to support, facilitate and ensure the smooth admiration of the Agency in discharging its functions.

(4) The Chief Executive Officer shall also perform the function of keeping the records of proceedings and decision of the Board and such other functions as the Board may from time to time, direct.

(5) The Chief Executive Officer shall hold office for a term of four years and may be re-appointed at the discretion of the Governor for further term of four years.

(6) The chief Executive officer shall report directly to the office of the executive Governor on all matters relating to day to day affairs of the agency and up-date the board during its quarterly meetings accordingly.

(7) The Chief Executive Officer shall be a member of the state executive council.

9. (1) The Agency shall have power to appoint, whether on transfer or on secondment from any public service in the State, Federal or from the private sector, such level and number of employees as may, subject to the approval of the Board, be required to assist the Agency in the discharge of any of its functions under this Law, and shall have power to pay to persons so employed, such remuneration (including allowances) as the Board may determine and/or approve.

(2) The appointment, promotion, disciplinary control and other terms and conditions of service (including terms and conditions as to remunerate, allowances and other benefits) of the persons so employed by the Agency shall be determined by the Agency subject to the approval of the Board from time to time.

(3) The Agency may engage such consultants and advisers as it may require for the proper and efficient discharge of its functions.

10. (1) It is hereby declared that service in the Agency shall be approved service for the purpose of the pension Law and accordingly, officers and other persons employed be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that 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 benefit in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Law, any power exercisable thereunder by a Commissioner or other authority of the State Government (*not being the power to make regulations thereof*) is hereby vested in and shall be exercisable by the Board and not by any other pension or authority.

11. The Board may on the recommendation of the Chief Executive Officer create such departments in the Agency as it may deem fit for the efficient discharge of the functions of the Agency

(c) Where in respect of any dispute, there is disagreement between the investor and the State Government as to the method of dispute settlement to be adopted the rules of procedure as specified in the Arbitration and Conciliation Act shall apply;

(3) Where in respect of any dispute, there is disagreement between the investor and the State Government as to the method of dispute settlement to be adopted, the rules of procedure as specified in the Arbitration and Conciliation Act shall apply.

22. (1) All assets and liabilities of any office or department of the State which prior to the coming into force of this Law was established for the purpose of investment promotion and related matters, shall as from the commencement, this Law be deem to be the assets and liabilities of the Agency.

(2) Any contract entered into by or on behalf of any office of department of the State which prior to the coming into force of this Law was established for the purpose of the coming into force of this Law be deemed to have been entered into by the Agency.

23. (1) The Agency may make regulations: -

(a) Providing for any requiring to be prescribed under this Law; and (b) Generally for carrying out the principles and objectives of this Law.

(2) Any instrument issued under subsection (1) of this section shall be under the signature of the Chief Executive of the Agency or any officer of the Agency designated by the said Chief Executive Officer.

PART IV – FINANCIAL PROVISION

12. (1) Subject to subsection (2), the Agency shall establish and maintain a fund which shall be administered by the Chief Executive Officer of the Agency and which shall be applied towards the discharge of its functions.

(2) The Chief Executive Officer shall not disburse any amount from the fund which is in excess of Twenty Million Naira without the prior approval of the Board or the Governor.

(3) The Governor may:

(a) In the absence of the Board, authorize the Chief Executive Officer to disburse any amount in excess of Twenty Million Naira;

(b) On the recommendation of the Board review, the amount specified in subsection (2) as disbursable by the Chief Executive Officer,

(c) All other sums accruing to the Agency by way of gifts, testamentary depositions, endowments and domestic multilateral organizations, philanthropic persons and organizations or otherwise however.

13. (1) The Agency may accept gifts of land, money or other property on such terms and conditions if any, as may be specified by the person or organization making the gift provided that such terms and conditions are not inimical to the interests of the State.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift inconsistent with the functions of the Agency.

14. (1) Subject to the approval of the Governor, the Agency may borrow by way of loan or overdraft from any authorized financial institution.

such specified amount of money as may be required by the Agency for meeting its obligations and discharging its functions under this Law.

(2) The Agency may subject to the provision of this Law, invest some of its funds in various activities inline with section (6) above.

(3) The Agency may invest any of its surplus funds in securities prescribed by the Trustee investment Act and/or other applicable law(s) or in such other securities as may from time to time be approved.

(4) The Agency may acquire, hold or dispose any property movable or immovable for the purpose of carrying out its functions.

15. (1) The Agency shall through the governors office cause to be prepared not later than September, 30th in each year and estimate of the expenditure and income of the Agency for the next succeeding year and when prepared, they shall be submitted to the Governor.

(2) The Agency shall cause to be kept proper books of account and proper records in relation thereto and when certified by the Board, such accounts shall be audited as provide in subsection (3) of this section.

(3) The accounts of the Agency shall be audited by auditions appointed by the Board from the list of Auditors submitted by the Auditor General of the State and the fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Agency.

16. The Agency shall not later than six months after the end of each year submit to the State House of Assembly, a report on the activities of the Agency and its administration during the immediate preceding year and shall include the report, the audited accounts of the Agency and the auditor's comments thereon.

PART V – PROVISIONS RELATING TO INVESTMENT

17. (1) The Governor may, in order to ease access to land by investors, grant to the Agency such land as he may consider necessary for that purpose.

(2) Subject to the approval of the Commissioner, the Agency may lease and grant to it under section (1) to an investor on such terms as may have been approved by the Governor.

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(2) Subject to the approval of the Commissioner, the Agency may lease and grant to it under section (1) to an investor on such terms as may have been approved by the Governor.

18. (3) Subject to the provision of any Law regulating divestment of government interest in any wholly or partly owned government enterprise, the Governor may not order publication in the State Gazette, shall, however, direct the Agency to oversee divestment of government interest in any such enterprise, if he considers such divestment to be a means of stimulating investment interest in such enterprise.

19. For the purpose of promoting identified strategic or major investment, the Agency shall in consultation with appropriate government Agencies negotiate specific incentive package for the promotion of such investment.

20. (1) The Agency may issue guidelines and procedures which specify priority areas of investment and prescribe applicable incentives and benefits in the State which are in conformity and Government policy.

(2) Guideless and procedure issued under subsection (1) of this section shall be signified under the hand of the Chief Executive Officer of the Agency.

DISPUTE RESOLUTION

21. (1) Whereas, a dispute arises between an investor and the Niger State Government in respect of an enterprise all efforts shall be made through mutual discussion to reach an amicable settlement.

(2) Any dispute between an investor and the State Government in respect of an enterprise to which this Law applies which is not amicable settled through mutual discussion may be submitted at the option of the aggrieved party to arbitration as follows: -

(a) In the case of the Nigerian investor in accordance with the note of procedure for arbitration as specified in the Arbitration and Conciliation Act;

(b) In the case of a foreign investor, within the framework of any bilateral or multilateral agreement on investment protection to which the Federal Government of Nigeria and the country of which the investor is a national are parties or;

(1) All asset and liabilities of any office or department of the State which prior to the coming into force of this Law was established for the purpose of investment promotion and related matters, shall as from the commencement, this Law be deem to be the assets and liabilities of the Agency.

(2) Any contract entered into by or on behalf of any office of department of the State which prior to the coming into force of this Law be deemed to have been entered into by the Agency.

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SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Meetings and Proceedings

1. (1) Subject to the Law and the interpretation law, the Board may make standing order regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be three members including the Chairman or in his absence, the person elected to preside and the quorum of any committee of the Board shall be determined by the Board.

Committee

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its function(s) as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board, which may co-opt for this purpose non-Board members and a person other than a member of the Board shall be a member of such committee in accordance with the terms of his appointment.

Miscellaneous

4. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and another member of the Board.

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Chairman.

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

5. The validity of any proceedings of the Board or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee.

Miscellaneous

4. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and another member of the Board.

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Chairman.

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

5. The validity of any proceedings of the Board or of a committee thereof shall not be adversely affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a committee.

FIRST SCHEDULE

I assented this.....²⁹..... day of ^{Dec}.....2023 Time ^{4:29pm;}.....


Hon. Mohammed Umar Bago
Governor of Niger State

SECOND SCHEDULE

I withheld assent this..... day of.....2023 Time.....

Hon. Mohammed Umar Bago
Governor of Niger State

THIRD SCHEDULE

I, **Abdullahi M. Kagara**, 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.



ABDULLAHI M. KAGARA
Clerk to the Legislature

