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*Niger State Law Notice No. 30.*

The Following is Published in the Supplement to this Gazette:-

***N. S. L. N. No. 30 of 2011 - A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE PUBLIC PRIVATE PARTNERSHIP AGENCY AND OTHER RELATED MATTERS 2011.***

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**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE PUBLIC  
PRIVATE PARTNERSHIP AGENCY AND OTHER RELATED  
MATTERS 2011**

**BE IT ENACTED** by the Niger State House of Assembly of the Federal Republic of Nigeria and by the authority of same in the present State Assembly as follows;-

**1.** This Law may be cited as the Niger State Public Private Partnership Agency and other related matters 2011 and shall come into force on 2nd day of June, 2011.

Short title  
and Com-  
mencement.

**2.** In this Law unless the context otherwise requires.

Interpre-  
tation.

“Agency” means the Niger State Public Private Partnership Agency established under Section 4 of this Law;

“Chairman” means the Chairman of the Governing Council of the Agency appointed under Section 5(2) of this Law;

“Concession” means the act of conceding of the right to conduct a business from within a larger concern;

“Contractor” means any person or body corporate who enter into a contract or has been granted a concession by any Niger State Government Ministry, Department, Agency, Corporation or Body and undertakes to construct any infrastructure or facility or supply any equipment or provision of any service for any infrastructure of facility under this Law;

“Construction” means any form of engineering work whether civil, structural, mechanical or electrical and includes rehabilitation improvement, expansion, alteration and related works and activities, supply and installation of equipment or materials;

“Director General” means the Director General of the Agency appointed under Section 10 of this Law;

“Executive Governor” means the Executive Governor of Niger State of the Federal Republic of Nigeria;

“Infrastructure” includes development projects which, before the commencement of this Law, were financed, constructed, operated or maintained by the Niger State Government and which, after the commencement of this Law, may be wholly or partly implemented by the private sector under an agreement pursuant to this Law including Roads and Highways, power projects, water supply, irrigation, transportation systems, land reclamation projects, environmental remediation and clean up projects, industrial estates or township development, housing, government buildings, tourism development projects, trade fair complexes, warehouses, solid waste management, information technology networks and database infrastructure, education infrastructure and development projects and public service provision as may be approved, from time to time, by the Governing Council;

“Investor” means an individual (corporate or otherwise) who has the financial strength and or technical knowledge and who has indentified or bids in a partnership based agreement with the Niger State Government of Nigeria to carry development projects or provisions of public service;

“Member)” means a member of the Governing Council of the Agency and includes the Chairman;

“NSDC” means Niger State Development Company Ltd;

“PPP” means Public Private Partnership;

"Partnership" means a joint mutually agreed contractual agreement between an investor or a consortium of investors with the Niger State Government through any of its Ministries, Departments, Agencies or Corporation for the purpose of infrastructure development, service provision or any other forms of development project within the boundaries of Niger State of Nigeria;

"Sectoral Committee" means infrastructure Sector Committee, Commerce and Economic Sector Committee, Agriculture Sector Committee, Services Sector Committee, Environment Sector Committee, Health Sector Committee, and or Education Sector Committee;

"Governing Council" means the Governing Council of the Agency established under Section 15 of this Law;

"Unsolicited Proposal" means expression of interest by a body (individual or corporate) which was not called by Niger State Ministry, Department, Agency or any other segment;

"MDA" means Ministry, Department and Agency;

"NACCIMA" means National Association of Chambers of Commerce, Industry and Agriculture.

## **PART I - ESTABLISHMENT OF THE NIGER STATE PUBLIC PRIVATE PARTNERSHIP AGENCY (AND OTHER RELATED MATTEERS)**

**3.** The Agency shall:

- (a) Co-ordinate all PPP transactions and activities in Niger State;

Functions of the Agency.

- (b) regulate, monitor and evaluate compliance with the terms and conditions of such agreement;
- (c) report progress and anomalies identified from (b) above to the Governing Council with appropriate recommendations within five (5) working days;
- (d) copies of concession or partnership agreement to be retained in the Agency and relevant MDAs for reference and safe keeping purposes;
- (e) ensure efficient execution of any concessing agreement or contract entered into by the government;
- (f) ensure compliance with the provisions of this Law and other relevant Laws;
- (g) perform such other duties as may be directed by the Executive Governor, from time to time, or as are necessary or expedient to ensure the efficient performance of the functions of the Agency under this Law.

The Establishment of the Public Private Partnership Agency.

**4.** (1) There is established a body to be known as the Niger State Public Private Partnership Agency (in this Law referred to as "The Agency").

(2) The Agency:

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) may sue and be sued in its corporate name; and
- (c) may require, hold or dispose of any property, moveable or immovable for the purpose of carrying out any of its functions under this Law.

(3) The headquarters of the agency shall be located in Minna, the capital of Niger State of the Federal Republic of Nigeria.

5. (1) There is established for the Agency a Governing Council (in this Law, referred to as "Governing Council") which shall have overall control of the process.

Establishment of the Governing Council for the Agency.

(2) The Governing Council shall consist of:-

- (a) Deputy Governor (Chairman);
- (b) Secretary to the State Government; (Vice-Chairman);
- (c) Representative of the Ministry of Finance (Member);
- (d) Representative of Ministry of Justice (Member);
- (e) Representative of Ministry for Local Government (Member);
- (f) Representative of Niger State Planning Commission (Member);
- (g) Accountant General of the State (Member);
- (h) Managing Director Niger State Development Company (NSDC) (Member);
- (i) Director General Industrial Parks (Member);
- (j) Director General, Industrial Parks (Member);
- (k) Director General Debt Management Office (Member);
- (l) Director General Public Procurement Board (Member);
- (m) President, NACCIMA (Member);
- (n) Representative of Bankers Committee (Member);
- (o) Representative of Nigeria Bar Association (NBA) (Member);
- (p) Representative of Nigeria Labour Congress (NLC) (Member);
- (q) 2 Representative of National Council for Women Societies (NCWS) (Member);

- (r) Representative of Community Action for Popular Participation (CAPP) (Member);
- (s) Director General, PPP (Secretary).

(3) The Executive Governor shall appoint a Chairman and the Vice-Chairman of the governing council who shall be people of proven integrity and outstanding relevant qualification with not less than 20 years of working experience subject to the confirmation by the State Assembly.

(4) The supplementary provision set out in the Schedule to this Law shall have effect with respect to the proceedings of the Governing Council and other matters.

Tenure of office.

**6.** The Chairman and members of the Governing Council shall each hold office:

- (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

Cessation of membership.

**7.** Notwithstanding the provisions of Section 5 of this Law, a member of the Governing Council shall cease to hold office as a member of the Governing Council if:

- (a) he resigns his appointment as a member of the Governing Council by notice, under his hand, addressed to the Executive Governor of Niger State;
- (b) he becomes of unsound mind;
- (c) he becomes bankrupt or make a compromise with his creditors;
- (d) he is convicted of a felony or of any offence involving dishonesty or corruption;

- (e) he becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body; or
- (f) the Executive Governor of Niger State is satisfied that it is not in the interest of the Agency or in the interest of the public for the person to continue in office and the Governor removes him from office.

(2) Where a vacancy occurs in the membership of the Governing Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.

**8.** The Chairman and members of the Governing Council shall approve such emoluments, allowances and benefits as may be paid to the staff and other worker of the Agency.

Emoluments,  
etc. of  
members.

## **PART II - FUNCTIONS AND POWERS OF THE AGENCY**

- 9.** (1) The function of the Governing Council:
- (i) Appraise and recommend to the Agency Projects Proposed for concession;
  - (ii) Take custody of every concession agreement made under this law and monitor compliance with the terms and conditions of such agreement;
  - (iii) Ensure efficient execution of any concession agreement or contract entered into by the government;
  - (iv) Ensure compliance with the provision of this Law;

Powers of  
the  
Governing  
Council.



- (v) Perform such other duties as may be directed by the Executive Governor from time to time and as necessary or expected to ensure the efficient performance of the functions of the Agency under this Law.
- (2) The Powers of the Agency shall be:
  - (a) provide the general policy guideline relating to the functions of the Agency;
  - (b) manage and superintend the policies of the Agency;
  - (c) subject to the provisions of this law, make alter and revoke rules and regulations for carrying on the functions of the Agency;
  - (d) determine the terms and conditions of service of the employees of the Agency on the recommendation of the State Civil Service Commission;
  - (e) fix the remunerations, allowances and benefits of the staff and employees of the Agency subject to the prevailing conditions of service in the State Civil Service;
  - (f) do such other things which in its opinion are necessary to ensure the efficient performance of the functions of the Agency under this Law.

### **PART III - STAFF OF THE AGENCY**

Appointment  
of Director  
General of  
the Agency.

10. (1) There shall be for the Agency, a Director General who shall:
- (a) be appointed by the Governing Council subject to the approval of the Governor;

- (b) be the Chief Executive and Accounting Officer of the Agency;
- (c) be responsible for the execution of the policy and day to day administration of the Agency; and
- (d) be a member and secretary to the Governing Council.

(2) The Director General shall hold office:

(a) for a term of 4 years in the first instance and may be reappointed for a further term of 4 years; and

(b) on such terms and conditions as may be specified in his letter of appointment;

(c) the Director General shall possess a minimum qualification of a Master Degree in a relevant field with 4 years requisite experience in PPP and shall also be of proven integrity.

(3) Notwithstanding the provisions of subsection (2) of this Section, The Director General may:

(a) Resign his appointment by a notice in writing under his hand, addressed to the Executive Governor of Niger State through the Governing Council; or

(b) Be removed by the Executive Governor for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause); or for misconduct or corruption.

Director  
General of  
the Agency  
cannot  
qualify after  
mandatory  
removal

Other staff of  
the Agency.

**11.** The Agency may, recommend the appointment of other staff of the Governing Council, appoint such other staff as it may deem necessary an expedient, from time to time and subject to Civil Service Rules:-

- (a) for the proper and efficient performance of the functions of the Agency; and
- (b) on such terms and conditions as may be determined; from time to time; by the Governing Council.

Pensions Law,  
2007.

**12.** (1) The Agency shall be approved for the purpose of the Pensions Law, and accordingly, Pensions Law, 2007 officers and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Law.

(2) Without prejudice to the provisions of Sub-section (1) of this Section, nothing in this Law shall prevent the appointment of a person to any office on terms and conditions which preclude the grant of pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pension Act, any power exercisable by the State Government or its Ministries, Departments or Agency and its appointed or elected officials, other than the power to make regulations, under section 23 thereof, is hereby vested in and shall be exercisable by the Governing Council and not by any other person or authority.

#### **PART IV - FINANCIAL PROVISIONS**

Funds of the  
Agency.

**13.** The Agency shall establish and maintain a fund to which shall be paid:

- (a) Grants from the State Government;

- (b) All subvention and budgetary allocations from the Niger State Government;
- (c) Gifts, loans, grant-in-aid from National, bilateral and multilateral organizations and agencies;
- (d) Rents, fees and other internally generated revenues from the services provided by the Agency; and
- (e) All other sums accruing to the Agency, from time to time.

**14.** The Agency may, from time to time, apply the proceeds of the fund established under Section 24 of this Law:-

Expenditure  
of the  
Agency.

- (a) to the cost of administration of the Agency;
- (b) to the payment of the emoluments, allowances and benefits of members of the Governing Council and for reimbursing members of the Governing Council or of any committee set up by the Governing Council and for such expenses as may be expressly authorized by the Governing Council;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the staff and other employees of the Agency, so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Governing Council) shall be made to any person who is in receipt of emolument from the Niger State Government;

- (d) for the development and maintenance of any property vested in or owned by the Agency;
- (e) for maintaining general financial services subject to general or specific directives that may be given in that behalf by the Executive Governor in accordance with the provisions of this Law; and
- (f) for and in connection with all or any of its functions under this Law.

Annual  
Estimate and  
Accounts.

**15.** (1) The Agency shall, not later than 30th September in each year, submit to the Executive Governor of Niger State an estimate of its expenditure and income (including payments to the Agency Fund) for the next succeeding year.

(2) The Agency shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the lists and in accordance with the guidelines supplied by the Auditor-General of Niger State.

Annual  
Report.

**16.** (1) The Agency shall prepare and submit to the Executive Governor not later than 30th June in each year a report in such form as the Governor may direct on the activities of the Agency during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and of the auditors report thereon.

(2) The Auditor-General of Niger State shall lay a copy of the report and the Auditors report thereon before the Niger State House of Assembly so soon after the receipt thereof.

Power to  
accept gifts.

**17.** (1) The Agency may accept gift of land, money or other property on such terms and conditions, deemed lawful.

(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 under this Law.

## **PART V - PRIVATE SECTOR PARTICIPATION IN NIGER STATE PPP**

**18.** (1) As from the commencement of this Law, any Niger State Government Ministry, Department, Agency, Corporation, Local Government or body involved in the financing, design, construction, operation, development and or maintenance of infrastructure or socio-economic development project, by whatever name called, may enter into a contract with, or partner with, or grant concession to any suitably qualified private firm or consortium in the private sector for the financing, construction, operation and or maintenance of any infrastructure that is financially viable or any development facility of the Niger State Government in accordance with the provisions of this Law.

(2) This Law applies to investment and development projects relating to any infrastructure of any Niger State Government Ministry, Department, Agency, Corporation, Local Government or body.

**19.** (1) Every Niger State Government Ministry, Agency, Department, Corporation, Local Government or body shall prioritize its infrastructure and socio-economic development projects and such priority projects may be qualified for concession or any kind of partnership under this Section. Priority project.

(2) The projects mentioned in Subsection (1) of this Section shall be submitted to the Niger State Executive Council for approval on the recommendation of the Niger State PPP Governing Council based on the submission of the relevant sector, Ministry, Department or Agency prior to entering into any contract under Section 18 of this Law.

(3) In entering into any contract or partnership or granting any concession under Section 18 of this Law, the Niger State Government Ministry, Agency, Department, Corporation, Local Government Council or body shall ensure that the project's private promoter possesses the financial capacity, relevant expertise and experience in undertaking such infrastructure and socio-economic project development or maintenance.

(4) The Agency established under Section 4 of this Law shall publish, in the Niger State Government Gazette, One Local newspaper and at least two National newspapers having wide circulation in Nigeria and such other means of circulation, the list of projects eligible for contract or partnership for the financing, construction, operation, maintenance or development infrastructure and socio-economic development under this Law.

(5) A Agency shall carry out projects fully within the specified sectors which shall include but not limited to the following:-

- a. Infrastructural Sector:  
Housing, Transport, Water, Power etc.
- b. Commerce and Economic Sector:  
Investment, Trading, Industrial development etc.
- c. Agricultural Sector:  
Farming and Agro allied procession, land issue.
- d. Service Sector:  
Tourism and Hospitality industry.
- e. Environment Sector:  
Conservation, Sanitation, Waste Management etc.

- f. Health Sector:  
Pharmaceutical, Hospital Building, Equipment and Management;
- g. Education Sector:  
School building management and linkages.

**20.** No Niger State Government Ministry, Agency, Department, Corporation, Local Government Council or body shall give any guarantee, letter of Guarantee or confort or undertaking in respect of any concession, partnership and contractual agreement made pursuant to this Law, except with the approval of the Nige State Executive Council on advice of the Public Private Partnership Agency established under section 4 of this Law.

Guarantee on  
Concession  
Agreement.

**21.** (1) Upon an approval by the Governing Council for any project or contract for financing, design construction, operation or maintenance of any infrastructure or development project under this Law, the Niger State Government Ministry, Agency, Corporation, Local Government Council or body concerned shall, by publication in at least one local newspaper and two national newspaper having wide circulation in Nigeria, and such other means of circulation, invite open competitive public bid for such project or contract approved under this Law.

Competitive  
public bidding  
for project  
and contracts.

(2) With respect to projects under this Law, the partnership shall be established with the bidder who, having satisfied the pre-qualification criteria, submits the most technically and economically comprehensive bid that is the bid that offers the best value for money against the critaria set out in advance by the producing authority and favourable/moderate financial consideration within the rules and regulations of Public Procurement Law.



(3) Where a consortium participation in a bid under this Section, there shall be proof by the consortium that all its members shall be bound jointly and severally under the contract and the withdrawal or any member of the consortium before or during the implementation of the project may be a ground for review or possible cancellation of the contract or partnership.

**22.** (1) The Governing Council shall subject to the approval of the State Executive Council authorize certain partners or concessioners to charge and collect on behalf of the State Government, user fees from members of the public.

(2) The user fees charged and collected in subsection (1) above shall not be increased by partners or concessioners except as directed by the Governing Council upon the approval of the State Executive Council.

(3) The user fees charged and collected under this Section shall be paid into the appropriate account as contained in the Law establishing such Ministry, Department, Agencies, Corporation, Local Government Council or body immediately after collection without delay.

**23.** Notwithstanding Section 22 of this Law, and if after advertisement in accordance with Section 21 (1) of this Law:-

Circumstances where competitive bidding for contracts may not be necessary

(a) only one contractor, interest party applied or submits a bid or proposal; or

(b) only one contractor, interest meets the prequalification requirements, the Ministry, Department, Agency, Corporation, Local Government Council or other body may undertake direct negotiation without competitive bidding for any contract to be entered into pursuant to Section 21 of this Law.

**24.** The Agency shall have the right to reject or consider unsolicited proposals or call for expression of interest from the public on project(s) in unsolicited proposal(s), submitted by a prospective investor, and provided such prospective investor, where such proposal is viewed to be in the interest of Niger State and provided such prospective investor is given the opportunity to partake in the expression of interest.

Unsolicited proposals.

**25.** The duration of any concession of partnership shall be as may be specified in the agreement or contract governing the concession or partnership benchmarked against international and national standards and best practice.

Duration of concession.

**26.** There shall be PPP Account into which shall be credited monies accruing to the government and from which shall be defrayed monies to be paid in respect of the PPP projects.

Establishment of Special Account.

**27.** (1) The Agency and Niger State Government's Ministry, Agency, Corporation, Local Government Council or body shall have the power at any reasonable hour or operation hours to enter upon and inspect any land or asset comprised in any partnership, concession granted or contract executed pursuant to this Law for the construction or erection of any infrastructure or socio-economic development project and it shall be the duty of the project promoter, the contractor or anyone acting on its behalf to permit and give free access to enter and inspect.

Power to inspect and supervision of project under concession.

(2) The Agency in conjunction with the Office of the Auditor General of Niger State have the right at any time during the award or the execution of any project to demand for and examine the books of account and financial statement of the private partner to ascertain the private partner's financial capability and to ensure nondiversion of project funds.

Arbitrary  
variation of  
agreement.

**28.** No agreement reached in respect of this Law shall be arbitrarily suspended, stopped, cancelled or changed except in accordance with the provisions of this Law.

**29.** Subject to the provisions of this Law, the relevant Niger State Government Ministry, Department, Agency, Corporation, Local Government Council or body shall act as the contracting party on behalf of the State Government and carry out its obligations to inspect and supervise the performance of the contractors in accordance with the agreement.

Right of way  
etc.

**30.** Every contractor or investor to whom any concession has been granted under this Law shall have a right of, way or easement in respect of any land or property near to or bordering the project site or facility as may be reasonably necessary for the proper implementation of the project under this Law.

## PART VI: LEGAL PROCEEDINGS

Limitation of  
suit against  
the Agency  
etc, Cap.  
379LFN 1990.

**31.** Subject to the provisions of this Law, the provisions of the Public Officers Protection Law of Nigeria shall apply in relation to any suit instituted against any member or officer of employee of the Agency.

Service of  
documents.

**32.** A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Law or any other law or enactment may be served by delivering it to the Director General or by sending it by registered post addressed to the Director General at the principal office of the Agency.

Restriction  
on execution  
against  
property of  
the Agency.

**33.** (1) In any action or suit against the Agency, no execution or attachment or processes in the nature thereof shall be issued against the Agency unless not less than three months notice of the intention to execute or attach has been given to the Agency.

(2) Any sum of money which by the judgement of any court has been awarded against the Agency shall, subject to any direction given by the court, where no notice of appeal against the judgement has been given, be paid from the fund of the Agency.

**34.** A member of the Governing Council, the Director General or any officer or employee of the Agency shall be indemnified out of the assets of the Agency against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director General, officer of other employee of the Agency.

Indemnity  
of officers.

## **PART VII - MISCELLANEOUS PROVISIONS**

**35.** The Executive Governor may give to the Agency such directives of a general nature or relating generally to matters of policy with regards to the exercise of it or his functions under this Law as he may consider necessary and it shall be the duty of the Agency to comply with the directives or cause them to be complied with.

Directives  
by the  
Governor  
etc.

**36.** (1) The Agency may, with the approval of the Governor make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Law and for the due administration of its provisions.

Power to  
make  
regulations.

(2) Without prejudice to the generality of Sub-section (1) of this Section, the Governing Council may issue guidelines to give full effect to the provisions of this Law.

**37.** A member of the Governing Council, the Director General or any other officer or employee shall:

Secrecy.

(a) Not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by

Interpretation.

him in the ordinary course of his duty as a member of the Governing Council or as the Director General, officer or employee of the Agency;

- (b) Treat as confidential, any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Law;
- (c) Not disclose any information referred to under paragraph (b) of this Subsection, except as required by Law.

General penalty.

(2) Any person who contravenes the provisions of Subsection (1) of this Section commits an offence and shall on conviction be liable to a fine of not less than N30,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.

### SCHEDULE PROCEEDINGS OF THE GOVERNING COUNCIL

Supplemen-  
tary provision  
relating to the  
Agency.

1. Subject to this Law and Section 2 of the Interpretation Law, the Governing Council shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meeting, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Agency may, from time to time, determine.

2. (i) There shall be at least four ordinary meetings of the Governing Council in every calendar year and subject thereto, the Governing Council shall meet whenever it is covered by the Chairman, and if the Chairman is requested to do so by notice given to him not less than 3 other members, he shall convene a meeting of the Governing Council to be held within 14 days from the date on which the notice was given.

(ii) Every meeting of the Governing Council shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the Vice-Chairman shall preside at the meeting.

3. The quorum of any meeting of the Governing Council shall consist of two third of the total members.

4. The Governing Council shall meet for the conduct of its business at such places and on such days as the Chairman may direct.

5. A question put before the Governing Council at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

7. Where the Governing Council seeks the advice of any person on a particular matter, the Governing Council may invite that person to attend for such periods as it thinks fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Governing Council and shall not count towards the quorum.

8. The Governing Council may appoint Sectoral and Technical Committees to carry out on behalf of the Governing Council such of its functions as the Governing Council may determine and report on any matter with which the Governing Council is concerned.

9. A Committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Governing Council and consist of such number of persons (not necessarily all members of the Governing Council) as may be determined by the Governing Council, and a person other than a member of the Governing Council shall hold office on the Committee in accordance with the terms of his appointment.

10. A decision of any of the Sectoral Committee and the Technical Committee of the Governing Council shall be of no effect until it is confirmed by the Governing Council.

## MISCELLANEOUS

11. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and the Director General or the Director General and such other person authorized by the Governing Council to act for that purpose.

12. A contract or an instrument which, if made or executed by any 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 or the Director General or by any person generally or specifically authorized to act for that purpose by the Governing Council.

13. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

14. The validity of any proceedings of the Governing Council or its Committees shall not be affected by:

- a. any vacancy in the membership of the Governing Council or its Committee; or
- b. Reason that a person not entitled to do so took part in the proceedings; or
- c. Any defect in the appointment of a member.

15. Any member of the Governing Council or Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Governing Council or any committee thereof:-

- a. shall forthwith disclose his interest to the Governing Council or Committee; and
- b. shall not vote on any question relating to the contract or arrangement.

**FIRST SCHEDULE**

I assented this 21st day of June, 2011 Time 3:15 p.m.

Chief Servant of Niger State  
**Dr. Mu'azu Babangida Aliyu** *OON*  
Governor of Niger State

**SECOND SCHEDULE**

I withheld assent this.....day of.....2009 Time.....

Chief Servant of Niger State  
**Dr. Mu'azu Babangida Aliyu** *OON*  
Governor of Niger State

**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

