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Assented to this 23rd day of December, 2015 (1437A.H).

DR. ABDULLAHI UMAR GANDUJE OFR,
Governor,
Kano State of Nigeria

KANO STATE INVESTMENT PROMOTION AGENCY LAW 2015 (1437A.H)



No. 5

Kano State of Nigeria

2015

A Law to provide for the Establishment of Investment Promotion Agency for the State and for other matter connected therewith.

BE IT ENACTED by The Kano State House of Assembly as follows:

PART I- PRELIMINARY

Establishment, Purpose and Composition of the Kano State Investment Promotion Agency

1. This Law may be cited as "the Kano State Investment Promotion Agency Law and shall come into operation on the 23rd day of December, 2015, (1437A.H).

Short title and commencement.

2. In this Law unless the context otherwise requires:-

Interpretation.

"Agency" means the Kano State Investment Promotion Agency established under section 3 of this Law;

"Chairman" means the Chairman of the Governing Council of the Agency;

"Committee" means any committee established by the Governing Council;

"Director-General" means the Director General of the Agency;

"Government" means the Government of Kano State;

"Governor" means the Governor of Kano State;

State means Kano State of Nigeria,

Establishment
of the Agency.

3. (1) There is hereby established for the State an Agency to be known as the Kano State Investment Promotion Agency.

(2) The Agency shall be a body corporate with perpetual succession, common seal and shall have power to hold acquire and dispose of property both moveable and immoveable.

Appointment
of members of
the Governing
council

4. For the proper co-ordination of the activities of the Agency in State, the Governor shall appoint the following persons as members of the Governing Council of the Agency upon the confirmation of Kano State House of Assembly;

(a) chairman, who shall be a respectable Elder Statesman, of proven integrity with relevant knowledge of the industry.

(b) 3 members who shall be appointed from the private sector and who shall be respected persons of good character with sound knowledge of the Nigerian Business and Investment Environment and track record of success;

(c) the Managing Director, Kano State Investment and Property Ltd;

(d) the President of the Kano State Chambers of Commerce;

(e) a representative of the Kano State Emirate Council;

(f) the Director-General of the Agency.

Meeting and
Quorum

5. (1) the Chairman shall preside at all meetings of the Agency and in his absence members present shall elect one of them to chair the meeting.

(2) the Governing Council shall:

(a) meet at least six times a year to review the progress of the various programmes and project on the roadmap and to consider any special issues as may be directed by the Governor; and

(b) call emergency meetings in such other times as required by the circumstances

(3) the quorum for every meeting of the Agency shall be half of the members of the Agency.

PART II

POWERS AND FUNCTIONS OF THE AGENCY

6. (1) The Agency shall:

(a) advise and assist the Government on the implementation of all projects and the programmes in the Investment Promotion roadmap of the State;

(b) advise and assist the Government in creating an attractive and competitive climate for business which will lead to robust economic activities in the State;

(c) identify and advise the Government on programmes and projects which will exploit the natural resources base on the State and create employment for citizens of the State;

(d) 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 partnership and other financial arrangements;

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

(f) develop appropriate institutional and regulatory frameworks for economic investment Promotion and facilitation in the State;

(g) advise and assist in the establishment of a framework for economic investment programmes and projects for effective implementation;

(h) establish a framework for identifying and proactively engaging the Federal Government and its Agencies in Investment Promotion drive of the State;

(i) articulate clear private sector growth strategies for providing needed support and appropriate incentives to grow the local private sector and enlarge the economic base of the State;

General
Powers and
functions of the
Agency.

(j) Conclude arrangement with any person for the effective implementation of any programme or project and to enter into such other contracts as it may deem necessary to facilitate its functions under this law;

(k) 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;

(l) request the head of any ministry, department or agency of the State to furnish it with any document, explanation or other information it may require for the due execution of its functions under this Law;

(m) regulate its own proceedings;

(n) insure its property against all forms of risk;

(o) do such other things as are reasonably incidental, supplemental or conducive to its functions under this Law;

(p) develop and implement a comprehensive policy and strategy towards the implementation of the state roadmap for investment promotion and facilitation that will lead to the attainment of the state's vision in improving the business climate and attracting new investment that will foster sustainable growth and creation of work opportunities for residents of Kano State;

(q) providing the several policy guidelines regarding the functions of the agency and supervising the implementation of such policies;

PART III
TENURE OF OFFICE AND RENUMERATION OF GOVERNING COUNCIL MEMBERS

7. the Chairman and members of the Governing Council shall hold office for the period of 4 years renewable for another term of 4 years and no more; Tenure of Office
8. There shall be paid to the Chairman and other members of the Governing Council such remuneration, whether by way of salary or allowance as the Governor may determine. Remuneration and other benefits of Members
9. The Chairman or any member of the Governing Council appointed under this Law may, at any time, be removed from office by the Governor, subject to the approval of State House of Assembly, where he is satisfied that such member:- Removal of Chairman and Members
- (a) is incapacitated or unable to discharge his duties diligently by reason of mental or bodily infirmity;
 - (b) has been adjudged bankrupt; or
 - (c) has become unfit by reason of conviction for a criminal offence or frequent abstention from meetings without the leave of the Governing Council or reasonable excuse;
 - (d) has become unfit based on public interest.

PART IV
ESTABLISHMENT OF COMMITTEES

Committees

10. (a) the Council may, subject to such conditions as it may decide, appoint standing or ad-hoc Committees to perform any of its functions. The Council shall have the power to terminate any Committee at any time it deems fit;

(b) the Council shall have powers to determine amongst other things the membership and terms of reference of a Committee constituted under this Section and shall regulate its proceedings;

(c) a Committee appointed under this Section may include persons who are members of the Council.

PART V
SECRETARIAT AND STAFF OF THE AGENCY

Location and
Designation of
Agency's
Secretariat

11.(1) The Secretariat of the Agency shall be under the office of the Governor and shall be designated as Kano State Investment Promotion Agency (KAN-INVEST).

(2) The Agency shall be a one-stop resource and co-ordination centre for all State Investment Promotion activities.

Appointment
of Director-
General

12. There shall be for the Agency, a Director-General who shall be appointed by the Governor, and he shall be:

- (a) the Chief Executive Officer of the Agency;
- (b) responsible for execution of the Investment Promotion Policies of the State and day to day administration of the Agency;
- (c) advising the Governor on Investment Promotion.



13. (1) The Director-General shall have a minimum 15 years cognate experience in investment promotion, economic planning or other related activities the last five of which must have been in a managerial capacity;

Qualifications
of the
Director-
General

(2) In addition, Director-General shall be:

(a) a highly experienced, matured and competent professional administrator with strong organizational and project management at either local or international levels;

(b) a member of at least one professional body recognized either at national or international levels.

14. (1) where a person has been appointed Director-General from the public service of the State, he shall be of a rank of not less than a Permanent Secretary in the State Civil Service and shall hold office for a period of 4 years and no more;

Tenure of
office and
conditions of
service of
Director-
General

(2) The remuneration, allowances and other conditions of service of the Director-General shall be contained in the instrument appointing him.

15. The Director-General shall:

Duties of the
Director-
General

(a) prepare a three year rolling strategy and a 12 months action plan and budget based on the functions of the Agency for review and approval by the Council;

(b) regularly monitor the progress of the strategy and prepared reports for the Governing Council's review and subsequent advise to the Governor;

(c) liaise with all Ministries, Departments and Agencies of the State for compiling and collating information with a view to developing an economic database and investment information repository for the State;

(d) provide information and technical input to the Governing Council for the purpose of defining appropriate policy directions and high level reform priorities;

(e) develop a prioritized comprehensive reform strategy which identifies roles and responsibilities for reform, time bound targeted action plans, outputs and supporting budgets for effective economic management and investment promotion;

(f) prepare policy and strategy papers on key investment issues as may be directed by the Governing Council or the Governor;

(g) carry out activities aimed at building the institutional capacities of Ministries, Departments and Agencies of Government and other relevant stake holders in the area of investment promotion;

(h) work with relevant Government Agencies to periodically review broad sector policies to ensure consistency with economic management and investment promotion initiatives in the State;

(i) co-ordinate the implementation of the various recommendations of the State Executive Council on investment; issues;

(j) provide support in the development of feasibility studies on investable projects in Medium and Small Enterprises supported sectors;

(k) co-ordinate all activities of the Agency including the execution of its work plan and annual budget and ensure the maintenance of accurate accounting records;

(l) undertake any other tasks relating to investment promotion as may be directed by the Governing Council or the Governor.

Secretary/Legal
Adviser

16. (1) There is hereby appointed for the Agency a Secretary/Legal Adviser who shall be a qualified Legal Practitioner not below the rank of a Director;

(2) The Secretary/Legal Adviser shall:

(a) advise the Agency on legal matters;

(b) issue notices of meetings of the Agency;

- (c) keep the records of proceedings of the Agency;
- (d) summons meetings of the Agency whenever a business requiring its attention warrants same or on the request of the Chairman or any three members;
- (e) serve as the Secretary of the Governing Council.

17.(1) The Agency may directly employ such number of employees as it may deem necessary for the efficient discharge of the functions of the Agency under this Law or may request on secondment employees from the Federal or State public Service where such employees meet the Agency's professional and technical standards;

Staff of the
Agency

(2) The remuneration and tenure of office of such employees shall be determined by the Governing Council with the approval Governor;

(3) The Agency shall have power to make, with the approval of Governor, Staff regulations Governing the conditions of Service of the Agency's employees and until such regulations are made, the regulations and conditions of Service applicable to employees in the State Public Civil service shall apply subject to such modification as the Governing Council may in its discretion make;

(4) An employee seconded under sub-section 1 of this section may choose to transfer his Service to the Agency subject to the approval of the Agency. Where such transfer is approved, any previous Service such employee may have rendered in the Federal or State Public Service shall be counted as Service to the Agency for the purpose of computing his pension benefits.

18. (1) The Staff of the Agency shall be entitled to pension gratuities and other retirement benefit as prescribed under the State pension Law;

Pension and
Gratuity

(2.) Nothing in this Law shall prevent the Agency from the appointment of a person to any office on contract basis or on terms which preclude the grant of a pension or gratuity in respect of that office.

PART VI
FINANCIAL PROVISIONS

Funds of the
Agency

19.(1) The Agency shall establish and maintain a fund which shall be utilized for the discharge of the functions under this Law;

(2) There shall be paid and credited into the fund established pursuant to sub-section (1) of this section:

(a) all subvention and budgetary allocations from the State Government;

(b) gifts, loans, endowments, grants or aid from any Agency, Institution, bilateral and multilateral organizations or any Government and entitlements from investment proceeds;

(c) such monies as they may be payable to the Agency for services rendered in the course of any matter incidental to the discharge of its functions under this Law; and

(d) monies raised in any other manner in pursuance of this Law.

Application of
Funds.

20. The funds of the Agency shall be utilized for the following purpose:-

(a) allowance of Agency members, salaries and other emoluments of the Agency staff, remunerations and fees of agents and consultants of the Agency;

(b) the development and maintenance of any property vested in or owned by the Agency;

(c) all other expenses incurred by the Agency in the discharge of its functions under this Law or any other enactment.

Annual
Estimates,
Accounts and
Audit of the
Agency

21.(1) The Agency shall cause to be prepared and submitted to the Governor not later than three (3) months before the end of each financial year, estimates of the Agency's income and expenditure for the next financial year;

(2) The Agency shall have an internal Auditor, who shall be seconded from the office of the Auditor-General of the State;

(3) The Agency shall keep proper accounts of its income and expenditure for each financial year and shall cause the accounts to be properly audited annually;

(4) The Agency shall appoint reputable external auditors from a list of approved auditors provided by the Auditor General of the State who shall audit the accounts of the Agency at the end of each financial year;

(5) The Agency shall forward a report of the External Auditor to the office of the Auditor-General of the State not later than two weeks after the submission of the report by the external auditor.

22. The Agency shall prepare and submit to the Governor quarterly reports of its activities containing summaries of its deliberations and recommendations for the Governor's consideration, approval or further directives.

Submission of
Reports and
Estimates

PART VII

MISCELLANEOUS

23. The Governor may give to the Agency, directives of a general nature as are necessary to make the Agency comply with the general policies of the Government and the Agency shall give effect to such directives.

Governor's
General
Directives and
Guidelines

24.(1) The Agency shall as soon as possible after its establishment, provide itself with a common seal;

Authentication
of
Documents.

(2) The fixing of the common seal of the Agency shall be authenticated by the signature of the Chairman/Director-General or the Secretary or some other member authorized generally or specifically by the Agency.

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

25. (1) No member of the Agency shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this law;

Protection of
Court
Litigation for
the Agency

members

(2) In any suit instituted for or against the Agency, the Agency shall be represented in court by a counsel duly delegated by the Attorney General of the State or where expedient, any other legal practitioner duly engaged by the Agency;

(3) for the purpose of this section, 'suit' includes actions or any civil proceedings commenced by way of writ of summons or in such other manner as may be prescribed by the rules of court but does not include criminal proceedings.

AUTHENTICATION BY THE CLERK TO THE HOUSE

This printed impressior, has been carefully compared by me with the said Bill (Kano State Investment Promotion Agency Law 2015 (1437 A.H)) which was passed by the State House of Assembly and found by me to be a true and correctly printed copy of the said Law.

LAWAN BADAMASI
CLERK/PERMANENT SECRETARY,
KANO STATE HOUSE OF ASSEMBLY