

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF INVESTMENT PROMOTION AGENCY FOR THE STATE AND FOR OTHER MATTER CONNECTED THEREWITH

BE ENACTED by the Bauchi State House of Assembly as follows:

Short Title and Commencement

1. This Law may be cited as "the Bauchi State Investment and Promotion Agency Law and shall come into operation on the 8th day of May 2017.

Interpretation

2. In this law unless context otherwise requires:-

"Agency" means the Bauchi 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 Bauchi State.

"Governor" means the Governor of Bauchi State.

"State" means Bauchi State of Nigeria.



PART 1- PRELIMINARY

ESTABLISHMENT, PURPOSES AND COMPOSITION OF THE BAUCHI STATE INVESTMENT PROMOTION AGENCY.

Establishment: of the Agency

3. (1) There is hereby established for the State an Agency to be known as the Bauchi 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 member of the governing Council

4. For the proper co-ordination of the activities of the Agency in State, the Governor shall appoint the persons as members of the governing council of the Agency.
 - a) Chairman, who shall be a respectable elder statesman, of proven integrity with relevant knowledge of Business and investment.
 - b) Two (2) Members 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, Bauchi State Investment and property ltd.
 - d) The president of the Bauchi State Chamber of Commerce;
 - e) A representative from Bauchi State Council of Emirs and Chiefs.
 - f) A representative from Ministry of Finance not below the rank of a Director;
 - g) A representative of Ministry of Commerce, Industry and Cooperatives not below the rank of a Director;
 - h) A representative of Ministry of Agriculture not below the rank of a Director.

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- i) A representative from Internal Revenue Service not below the rank of a Director.
- j) 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 and 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

General Powers and function of the Agency

6. (1) The Agency shall

- (a) advise and assist the government on the implementation of all projects and 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

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development partners as well as private investors both domestic and foreign through public private partnership the 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 framework for economic investment promotion and facilitation in the State.
- (g) Advise and assist in the establishment of a framework for economic programmes and projects for effective implementation.
- (h) Establish a framework for identifying and proactively engaging the Federal Government and its Agencies in investment promotion 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.
- (j) Concluded arrangement with any person for the effective implementation of any program or project and to entertain such other contracts as it may deem necessary to facilitate its function 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;

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- (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 facilitation that will lead to the attainment of the States vision in improving the business climate and attracting new investment that will foster sustainable growth and creating of work opportunities for residents of Bauchi 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

Tenure of Office

7. The Chairman and members of the governing council shall hold office for a period of 4 years renewable for another term of 4 years and no more;

Remuneration and other benefiting of members

8. The Chairman and other members of the governing council shall be paid such remuneration, whether by way of salary or allowance as the governor may determine

Removal of Chairman and 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:-

- a) Is incapacitated or unable to discharge his duties diligently by reason of mental or bodily infirmity.

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- b) Has been adjudged bankrupt or
- c) Has become unfit by reason of conviction for criminal offence of 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

Committee

- 10.** a) The Council may subject to such conditions as it may decide, appoint Standing or ad-hoc committees to perform any fits 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.

11. (1) The Secretariat of the Agency shall be under the office of the Governor and shall be designated as Bauchi State Investment Promotion Agency (BASIPA).

(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

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- 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.

**Qualifications
Of the Director-
General**

- 13.** (1) The Director-General shall have a minimum of 15 years Cognate experience in Investment Promotion, economic Planning or other related activities the last five or which must have been in a managerial capacity.

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

- a) A highly experienced, mature and competent Professional administrator with strong organizational project management at either local or international level.
- b) A member of at least one professional body recognized either at national or international level.

**Tenure of office
and condition of
service of Director
General**

- 14.** (1) Were 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 renewable for another term of 4 years and no more.

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

**Duties of the
Director-General**

- 15.** The Director-General shall:

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- a) Prepare a tree 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 prepare reports for the governing council review and subsequent advise to the governor;
- c) Liaise with all Ministries, Departments and Agencies of the State for collating and compiling information with a view to developing 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 activates aimed at building the intuitional 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

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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 to ensure the maintenance of accurate accounting records,
- l) undertake any other task relating to investment promotion as may be directed by the governing council or the governor.

16. Secretary/Legal Adviser (1) There is hereby appointed for the Agency Adviser who shall be a qualified legal practitioner from the not below the rank of Chief State Counsel on grade level

- (2) The Secretary/Legal Adviser shall:
 - (a) advise the Agency on Legal matters,
 - (b) issue notice of meetings of the Agency:
 - (c) keep the records of proceedings of the Agency:
 - (d) summon meetings of the Agency whenever a business requiring its attention warrants same on the request of the chairman or any three members:
 - (e) serve as the secretary of the governing council

Staff of the Agency

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

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under this law or may request on secondment employees from the Federal or State Public service where such employee meet the Agency's professional and technical standards:

(2) The remuneration and tenure of office of such employees shall be determined by the governing council with the approval of the Governor,

(3) The Agency shall have power to make, with the approval of Governor, staff regulations governing the conditions of service of the Agency employees and until such regulations are made, the regulations and conditions of Civil Service applicable to employees in the state government 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 purposes of computing his pension benefits.

**Pension and
Gratuities**

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

(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.

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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 allocation from the State Government;
- (b) Gifts, loans, endowments, grants or aid from any Agency, Institution, bilateral and multilateral organizations or any government and entailments 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 purposes.

- (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;

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**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 posted 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;

**Submission of
Reports and
Estimates**

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.

PART VII
MISCELLANEOUS

**Governor's
General
Directives and
Guidelines**

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.

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**Authentication
of Documents**

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

(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 to 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.

**Protection of
Court
Litigation for
The Agency**

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.

(2) In any suit instituted for or against the Agency shall be represented in court by a counsel duly delegated by the Attorney General of the State of 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.

(4) a notice of not less than 30 days shall be given of any intention to institute an action before any suit against the Agency's shall be initiated.

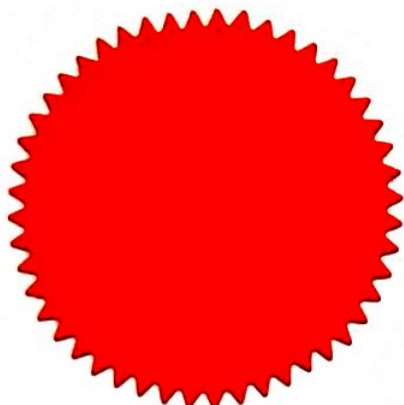


This printed impression has been compared by me with the **Law** which has been passed by the Bauchi State House of Assembly and found by me to be a true and correctly printed copy of the said **Law**.



(ABDULKADIR BAPPA JA'AFAR)
CLERK OF THE HOUSE

Assented to this *24th* day of *October* 2017.



(MOHAMMED ABDULLAHI ABUBAKAR *Esq.*)
GOVERNOR BAUCHI STATE