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ADAMAWA STATE PRIMARY HEALTH CARE DEPARTMENTAL MANAGEMENT AGENCY/AUTHORITY
LAW 2011



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ADAMAWA STATE PRIMARY HEALTH CARE DEVELOPMENT

AGENCY/AUTHORITY LAW 2011

Adamawa State of Nigeria

Law No. 10 of 2011

A Law to make provision for the Establishment of the Adamawa State Primary Health Care Development Agency/Authority and other matters incidental thereto.

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|--|--------------------------------------|
| <p>[30th July, 2011]</p> <p>BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:-</p> | <p>Date of Commencement.</p> |
| <p>1. This Law may be cited as the Adamawa State Primary Health Care Development Agency/Authority Law, 2011 and shall come into operation on the 30th day of July, 2011.</p> | <p>Short title and Commencement.</p> |
| <p>2. In this Law, unless the context otherwise requires:-
 "Agency" means Adamawa State Primary Health Care Development Agency;
 "Authority" means Local Government Area Primary Health Care Authority;
 "Chairman" means Chairman of the Agency/Authority;
 "Employee" means any person employed in any capacity by the Agency/Authority pursuant to the provisions of this Law;
 "Executive Secretary" means Executive Secretary of the Authority;
 "Functions" include powers and duties;
 "LGA" means Local Government;
 "PHC" means Primary Health Care;
 "Primary Health Care" means health Care provided in the community by medical practitioners and other cadre of-trained Health workers;
 "Secretary" means Secretary of the Agency;
 "State" means Adamawa State of Nigeria.</p> | <p>Interpretation.</p> |
| <p>3. (1) There is hereby established a body to be known as the Primary Health Care Development Agency. Establishment of Agency.</p> | <p>Establishment of Agency</p> |

Composition of the Agency.

(2) The Agency shall be a body corporate having perpetual succession and a common seal with power to sue or be sued in its corporate name and to acquire, manage, hold and dispose of movable or immovable.

4. The Agency shall consist of the following members:-

- (a) a full time Chairman to be appointed by the Government and shall be the Chief Executive and Accounting officer of the Agency;
- (b) two permanent members to be designated member I and II appointed by the Governor on the recommendation of the Commissioner of Health;
- (c) The Chairman shall be a qualified Public Health Physician or Medical Practitioner Specialized in Community Health or a primary Health Worker of highest grade in the cadre with a minimum of fifteen (15) years' experience in State Primary Health Care in the Civil Service;
- (d) one representative from:-
 - (i) Health Ministry;
 - (ii) Finance and Budget Ministry;
 - (iii) Local Government Affairs Ministry; and
 - (iv) Information Ministry.

(2) The Agency may co-opt any person whose expertise or knowledge is required for any of its business.

Secretary of the Agency

5. (1) There shall be a Secretary to the Agency who shall be experienced and seasoned administrator and shall be appointed by the Governor.

(2) The secretary shall carry out his functions in accordance with the provisions of this Law and in particular shall:-

- (a) take and keep minutes of all meeting of the Agency;
- (b) take attendance and maintain checks at Agency and committee meetings;
- (c) conduct correspondence on behalf of the Agency and keep records of the Agency;
- (d) have custody of the common seal;
- (e) prepare and compile annual calendar of dates for Agency and committee meetings and time table of events;
- (f) monitor and follow-up action on Agency and committee resolutions;
- (g) assist the Chairman in the routine administration of the affairs of the Agency; and
- (h) perform such other duties as may from time to time be assigned by the Agency or the Chairman.

Functions of the Chairman

6. The Chairman shall be responsible to the Board of Agency and shall carry out the day-to-day administration of the Agency and in addition shall be responsible for the following:

- (a) making arrangement for the meetings of the Board of the Agency;

	<ul style="list-style-type: none">(b) preparing the agency and minutes of such meetings;(c) execution of the decisions of the Board of the Agency;(d) keeping proper records-of the proceedings of the Board of the Agency;(e) signing all contractual documents/agreements for the Agency; and(f) performing such other functions as the Board will from time-to-time direct.
Tenure of Office of members of the Agency and Authority	<p>7. (1) The Chairman and Members of the Agency/Authority shall hold office for a period of four years: but not more than a maximum of two successive tenures and shall be eligible for re-appointment for such other term as the Governor may from time-to-time determine.</p> <p>(2) The offices of the Chairman and Secretary shall be pensionable.</p> <p>(3) Notwithstanding anything contained in the instrument by which the Chairman or a member is appointed, the Governor may revoke the appointment if he is satisfied that the Chairman or a member:-</p> <ul style="list-style-type: none">(a) has been absent from three (3) consecutive meetings of the Agency Authority without permission;(b) has been adjudged bankrupt by a court of competent jurisdiction;(c) has been convicted by a Court of Law for an offence involving dishonesty corruption and abuse office;(d) is incapable by physical or mental illness, or(e) is otherwise unable or unfit to discharge the functions as a Member/Chairman. <p>(4) Notwithstanding anything contained in the instrument by which he is appointed, a member of the Board may resign his appointment in writing under his hand addressed to the Governor and upon receipt of the letter of resignation by the Governor the appointment of the member shall terminate;</p>
Quorum	<p>8. Five (5) members including the Chairman shall form a quorum at any meeting of the Agency/Authority. In the absence of the Chairman the Members shall appoint one person from amongst themselves to act as Chairman.</p>
Chairman presides at meeting.	<p>9. At any meeting of the Agency/Authority the Chairman shall preside or in his absence the members present at the meeting shall appoint one of their members to preside at that meeting.</p>
Meeting of the Agency/Authority.	<p>10. (1) Subject to the provisions of any standing order, the Agency/ Authority shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than four (4) other members, he shall summon a meeting of the Agency/Authority to be held within 14 days from the date of which the notice is given.</p> <p>(2) Where the Agency/Authority desires to obtain the advice of any person on a particular matter, the Agency/Authority may co-opt</p>

	<p>himself as a member for such periods as it deems fit; but such a person shall not be entitled to vote at any meeting of the Agency/Authority and shall not count towards the quorum.</p>
Validity of proceedings.	<p>11. The validity of any proceedings of the Agency/Authority shall not be affected by any vacancy in membership or any defect in the appointment of a member or by reason that a person not entitled to be present, took part in any of its proceedings.</p>
Tenders and contracts,	<p>12. (1) Without prejudice to the Authority, the Agency may enter into contracts in respect of all or any of the following matters:-</p> <ul style="list-style-type: none"> (a) engineering works whether civil, mechanical or electrical; (b) construction, repairs or maintenance of buildings; (c) supply of goods, materials and manufactured goods; (d) supply of foods; (e) rendering of services-involving employment of labour. <p>(2) Before entering into any contract the Agency shall call for tenders.</p> <p>(3) without prejudice to the provision of sub-section (1) of this section, the Agency may enter into all such contracts as it may deem necessary or expedient for the due performance of any duty imposed on or for the effective exercise of any power conferred upon it by or under the provisions of this Law.</p>
Functions of the Agency	<p>13. Without prejudice to the Authority the Agency shall be responsible for carrying out the following functions:</p> <ul style="list-style-type: none"> (i) to formulate Primary Health Care policy; (ii) assist the State and Local Government Primary Health Care Authority in resource mobilization; (iii) support the monitoring and Evaluation of all Primary Health Care Programmes at Local Government Area level and using such data for management and decision making; (iv) training and retraining of all cadre of Health workers with proper reorientation to community participation and development; (v) to support directly the strengthening of the School of Health Technology (vi) to support community participation in Primary Health Care; (vii) to support studies in Health System Research as a tool for finding better ways for provision of essential care as a component of Health for all the LGA level; (viii) to stimulate Universities, Non-Government Organizations and International Agencies to work with Local Government Areas in nurturing their capacity for problem-solving using locally available means; (ix) to support intersectoral collaboration in the Primary

- (x) Health Care System especially amongst line ministries; support the development of strategies to strengthen the referral system and encourage at all time its utilization;
 - (xi) ensure sustainability of the programme at each Local Government Area level through local initiative and intersectoral collaboration; and
 - (xii) to undertake any other function assigned to it by the relevant authority from time-to-time.
- Senior officers and staff.
14. Without prejudice to the Authority, the Agency shall have power:-
- (a) to appoint such officers and staff as it may determine;
 - (b) to discipline all persons in employment of the Agency;
 - (c) to pay its officers and staff such remuneration in accordance with Public service rule;
 - (d) to make all such other appointments as the Agency may deem necessary for carrying out the purposes of this Law and determine the wages, salaries and other conditions of service of all persons employed by the Agency or in connection with the Primary Health Care Services in accordance with Public Service Rules;
 - (e) to determine the payment of any officers or staff or any other, persons so Co-opted by it
- Transfer of certain staff of the Ministry/ Local Government Council to Agency/ Authority.
15. Persons who before the commencement of this Law held offices in the Primary Health Care Unit in the Ministry of Health; Department in the Local Government Councils shall form the nucleus of the Agency/ Authority.
- Funds of the Agency.
16. (1) The funds and resources of the Agency shall consist of:-
- (a) initial sum of money allocated to it by Government;
 - (b) such monies that may be appropriated from time to time to the Agency by the state Government and its agencies.
 - (c) all monies obtained from finance institutions, international donors and non-governmental organizations; and
 - (d) monies-raised as loans by the Agency.
- (2) (a) The Agency shall maintain bank accounts with reputable banks in Nigeria.
- (b) the Chairman and Accountant shall be signatories to the bank account.
- Establishment of the Local Government Area Primary Health
17. There shall be established in each Local Government Area of the State a body to be known as Health Care Authority. (Hereinafter in this Law referred to as "the Agency")

Care Authority.

Composition and remuneration of the Authority.

18. (1) The Authority shall consist of:-

- (a) a part-time Chairman who shall be appointed by the Governor;
- (b) an Executive Secretary employed by the Agency and posted to the Local Health Authority who shall be the Chief Executive of the Authority. He shall be responsible to the Board of the Authority. His duty shall be similar to that spell out in section 6 of this Law for the Chairman of the Agency. The Executive Secretary shall be a Medical Practitioner with not less than seven (7) years post qualification experience or Primary Health Care worker of highest qualification in the cadre or the incumbent Director of Primary Health Care in the Local Government Area before commencement of this Law. The Executive Secretary shall have medical charge of the council area of jurisdiction as the Medical Officer of Health;
- (c) The Supervisory Councilor for Health in the Local Government;
- (d) Four community leaders from the Local Government Area spread geographically, two of whom shall have Health background

(2) The Chairman and Members of the Authority shall be paid such remunerations, fees and allowances as are payable to similar bodies in the State.

19. The other staff of the Authority shall be:-

Other Staff of the Authority.

- (a) Primary Health Care staff;
- (b) support staff who shall carry out administrative and financial duties of the Authority as directed by the Executive Secretary.

20. The Authority shall be responsible for carrying out the following functions:-

Functions of the Authority.

- (a) development management of infrastructures at the Local Government Area level for Primary Health Care;
- (b) implementation of all components of Primary Health Care;
- (c) formation of village and ward development committees;
- (d) assisting with data base collection, collation and dissemination;
- (e) ensuring of effective drug revolving fund scheme;
- (f) providing improved and efficient health education;
- (g) provision of facilities for referral discipline, promotion and transfer of junior staff within the health sector in the Local Government Area;
- (h) enforcing relevant portions of the Public Health Law

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- (h) enforcing relevant portions of the Public Health Law

ASMA'U G. SALIMU (HAJIYA),

Clerk to Adamawa State House of Assembly.

I assent this 30th day of July, 2011

MURTALA H. NYAKO,

*Governor,
Adamawa State of Nigeria.*

SCHEDULE OF BILL			
SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY
Adamawa State Primary Health Care Agency/ Authority	A Bill for a Law to make provision for the establishment of	The Bill seeks to establish an Agency in the State and	30th May, 2011.

Law 2011.	the Adamawa State Health Care Development Agency/ Authority and other matters incidental thereto	Authorities in Local Government Areas and their functions. It also provides for the composition, tenure of members of the Agency and Authorities	
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ASMA'U G SALIMU, (DR)

Clerk to Adamawa State House of Assembly.

ADAMAWA STATE HOUSE OF ASSEMBLY

A BILL

FOR

A LAW TO AMEND ADAMAWA STATE PRIMARY HEALTH CARE AGENCY/AUTHORITY LAW, 2011 AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO.

Date of Commencement	BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:-
Short title and it Commencement	1. This Law may be cited as the Adamawa State Primary Health Care Agency/Authority (Amendment) Law, 2012 and shall come into operation on theday of..... 2012.
Amendment of Law No 10 of Law 2011	2. The Adamawa State Primary Health Care Agency/Authority Law 2011 (in this Law referred to as "the Principal Law") is hereby amended as set out in this Law.
Amendment of 3. Section 13 of the Principal Law	3. Section 13 of the Principal Law is amended by inserting after paragraph (xii) the following new paragraph:- "(xii) development management of infrastructure at the Local Government Area Level of Primary Health Care."
Amendment of Section 15 of the Principal Law	4. Section 15 of the Principal Law is repealed and substituted by the following new section:- "Transfer of staff to Agency/Authority 15. (1) Persons who before the commencement of this Law held offices with the Primary Health Care Unit in the Ministry of Health, Ministry for Local Government, Departments of Health in the Local Government Councils shall form the nucleus of the Agency/ Authority. (2) Staff transferred to the Agency/Authority excluding common pool staff shall draw their pension after retirement from Local Government Pension Board. (3) From the commencement of this Law, all other Ministries, Departments and Agencies (MDAS) that hitherto implement Primary Health Care programmes shall cease"
Amendment of Section 16 of the Principal Law	5. Section 16 of the Principal Law is amended:- (a) in sub-section (1) by repealing paragraph (a) and substituting the following:

"(a) initial sum of money allocated to it by Government and subsequently Fifteen Million Naira as Over Head Cost to the Agency"

(b) by inserting after paragraph (d) sub-section (1) the following paragraph:

"(dd) 15% percent of allocation from the Local Government Joint Account be deducted from source to the Agency/Authority for overhead, personnel and capital cost for Primary Health Care."

Amendment of
Section 17 of the
Principal Law.

6. Section 17 of the Principal Law is amended by deleting the word "Agency" in line 3 and substituting the word "Authority".

Amendment of
Section 20 of the
Principal Law.

7. Section 20 of the Principal Law is amended by deleting paragraph (a)

Amendment of
Section 21 of the
Principal Law.

8. Section 21 of the Principal Law is amended in sub-section (1) by deleting paragraphs (a) and (c) and substituting the following new paragraph:-
"(aa) funds allocated by the Agency"

This printed impression has been carefully compared by me with the Bill which has passed the House and found by me to be a true and correctly printed copy of the said Bill.

MR. FRANCIS R. ANSENSO

Clerk to Adamawa State House of Assembly

I assent this.....day of 2012

MURTALAH NYAKO

Governor,

Adamawa State of Nigeria.

SCHEDULE OF BILL			
SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY THE HOUSE
Adamawa State Primary Health Care Agency/ Authority (Amendment) Law, 2012	A Bill for a Law to amend the Adamawa State Primary Health Care Agency/ Authority Law, 2011 and to provide for matters incidental thereto	The Bill seeks to amend the Adamawa State Primary Health Care Agency/ Authority Law, 2011 to specify the staff and the contributions of the State Government and Local Governments to the Agency/ Authority	25 th June, 2012

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MR. FRANCIS R. GBANSENSO

CLERK TO ADAMAWA STATE HOUSE OF ASSEMBLY