

CHAPTER 72

**BAUCHI STATE INTEGRATED RURAL DEVELOPMENT
AUTHORITY LAW**

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CHAPTER 72

**BAUCHI STATE INTEGRATED RURAL DEVELOPMENT
AUTHORITY LAW**

A Law to establish an Integrated Rural Development Authority in Bauchi State.
[BA.S. 1 of 1986, BA.S. 10 of 1986, BA.S. 4 of 1987.]

[Commencement: 1st January, 1986]

PART I

Preliminary

1. Short title

This Law may be cited as the Bauchi State Integrated Rural Development Law.

2. Interpretation

In this Law, unless the context otherwise requires—

“**Council**” means the governing council for the Integrated Rural Development Authority established under section 4 of this Law;

“**Director of Audit**” means the Director of Audit of the State;

“**financial year**” means the same period of time recognised by the State Government as such;

“**Governor**” means the Governor of the State;

“**Local Government**” means a Local Government established under the Local Government Law of the State;

“**member**” means a member of the Council and includes the Chairman;

“**State**” means Bauchi State of Nigeria;

“**Zonal Development Advisory Committee**” means the Committee established under section 11 of this Law;

“**Zonal Management Unit**” means the unit established under section 12 of this Law.

PART II

Establishment and Constitution of the Authority

3. Establishment of the Authority

There is hereby established a body in the State to be known as Bauchi State Integrated Rural Development Authority (hereinafter referred to as “the Authority”) which shall be

a body corporate with a perpetual succession and a common seal and with a power to sue or be sued in its corporate name.

4. Governing Council

There shall be a Governing Council which shall conduct the affairs of the Authority and shall be composed of—

- (a) the Governor as Chairman;
 - (b) all other members of the State Executive Council; — Member
 - (c) the Managing Director, Bauchi State Integrated Rural Development Authority; — Member
- [BA.S. 4 of 1987.]
- (d) the General Manager, Upper Benue River Basin Development Authority; — Member
 - (e) the General Manager, Hadejia-Jama'are River Basin Development Authority; — Member
 - (f) one Representative of Abubakar Tafawa Balewa College, Ahmadu Bello University to be appointed by the Governor. — Member

5. Tenure of office of appointed members, etc.

(1) An appointed member other than an *ex officio* member shall hold office for a period of 2 years from the date of his appointment and shall be eligible for re-appointment.

(2) The office of an appointed member other than *ex officio* member shall become vacant if—

- (a) he has completed his tenure of office;
- (b) he resigns by writing under his hand addressed to the Governor;
- (c) he has without leave of the Chairman absented himself from the three consecutive meetings of the Authority;
- (d) he is found to be incapable of carrying out his duties;
- (e) his appointment has been revoked for misconduct or any other cause.

(3) There shall be paid to the appointed members out of the Funds of the Authority such remuneration or other expenses as the Governor may determine.

PART III

Functions and Powers of the Authority

6. Functions of the Authority

(1) It shall be the duty of the Authority to foster, encourage and promote the development of human, physical and material resources of the rural areas of the State.

(2) Without prejudice to the generality of subsection (1) of this section the Authority shall—

- (a) provide the development of agriculture by improvement of farming methods and farm management procurement and supply of inputs and other necessary services including animal husbandry, range management and agro-industrial development;

[BA.S. 10 of 1986.]

- (b) take over and maintain rural electrification undertakings and installations of the State's rural electrification programme;
- (c) take over, construct and maintain rural roads in the State under its rural roads programme;
- (d) take over, construct and maintain rural water supply in the State under its rural water supply programme;
- (e) encourage the growth of community participation and the development of community programmes with a view to achieving self-sufficiency and self-reliance through self-help;
- (f) inculcate the virtues of patriotism, self-reliance, discipline, selfless service and leadership in youth of the State with a view to ensuring a purposeful sense of direction;
- (g) encourage the formation and the supervision of co-operative societies;
- (h) provide, construct rural maternity clinics.

(3) Maintenance for the purposes of paragraph (h) of this subsection means the provision of infrastructures including water, electricity and access roads.

7. Powers of the Authority

(1) The powers of the Authority shall include—

- (a) responsibility for the definition and control of rural development policy of the State;
- (b) determination and periodic review of the role of the Integrated Rural Development Authority of the State with the elimination of any possible duplication of effort between the Authority and any Ministry or Department;
- (c) generation, transmission, transformation, distribution and selling of electricity to individual customers in the rural areas of the State;
- (d) maintenance of workshops for the maintenance and repair of all its plants, machinery, equipment and fabrication of prototypes;
- (e) acquiring, purchasing, leasing, mortgaging, holding, constructing, manufacturing or maintaining of any property whatsoever, whether movable or immovable required for or in connection with the purpose of its functions and to sell, dispose of or otherwise deal with property or any part thereof;
- (f) purchasing in bulk, electric power from other sources for the discharge of its functions under this Law;

- (g) entering upon any land at any time for the purpose of laying, erecting or removing any water pipe or electric pole, which is the property of the Authority;
- (h) carrying any water pipe through, across or under any street or any place laid out or intended as a street after giving reasonable notice in writing to the owner or under any lands whatsoever without any compensation but making good any damages done;
- (i) imposing, levying or collecting fees or charges for its services;
- (j) undertaking studies leading to the preparation of development plans for carefully selected groups of villages and for settlement schemes where appropriate;
- (k) assisting in the provision where necessary of social amenities such as community halls, libraries, reading rooms, play grounds and other rural community projects;
- (l) setting up training schemes to meet the needs of the Authority;
- (m) constructing and maintaining buildings and other works necessary for the discharge of its functions under this Law;
- (n) assessing the financial requirements, budgeting and financial control of the Authority, including reviewing and the approving of annual budget;
- (o) entering into such contracts as it may deem necessary, advantageous or expedient for the purpose of its functions;
- (p) borrowing money for purposes of its functions;
- (q) making, drawing or endorsing negotiable instruments;
- (r) engaging and remunerating servants and agents upon such terms and conditions as may be prescribed by the Council;
- (s) doing such other things as are reasonably incidental, supplemental or conducive to its functions under this Law.

(2) For the avoidance of doubt, it is hereby declared that the preceding provisions of this subsection relate only to the capacity of the Authority as a Statutory Authority and nothing in the preceding provisions shall be construed as authorising the disregard by the Authority of any written law or rule of law.

PART IV

Administrative Organisation

8. General Manager

(1) The Council may upon such terms and conditions as are approved by the Governor appoint a suitable and qualified person with a sound experience as the General Manager of the Authority.

(2) The General Manager shall be the Chief Executive of the Authority responsible for the execution of the policies of the Authority and the general management of its day to day business and shall also carry out such other functions as the Authority may from time to time direct.

9. Secretary

(1) The Council may upon such terms and conditions approved by the Governor appoint a Secretary to the Authority.

(2) The Secretary shall conduct the correspondence of the Authority, keep proper records of the proceedings of the Authority and perform such other functions as the Authority or the General Manager may direct from time to time.

10. Establishment of Departments and Management Units

For the purposes of executing its powers and functions under this Law, the Authority is hereby empowered to set up Departments and Management Units and appoint suitable and experienced persons to head such bodies.

11. Establishment of Zonal Management Units

(1) There shall be established a body to be called the Zonal Management Unit for each zone which shall consist of the Zonal Manager as Chairman and all BASIRDA unit Zonal Heads in the zones as members.

[B.A.S. 4 of 1987.]

(2) The functions of the Zonal Management shall be as follows:

- (a) overall execution of field activities in their zone of operation;
- (b) reporting directly to the Headquarters progress achieved, problems faced and feedback;
- (c) provide secretariat for the Zonal Development Advisory Committee;
- (d) preparation of Zonal Development budget on the advice of the Zonal Development Advisory Committee.

12. Establishment of Zonal Development Advisory Committee

(1) (a) There shall be established in each zone a body to be called the Zonal Development Advisory Committee which shall consist of the following:

- (i) the Zonal Manager, BASIRDA;

[B.A.S. 4 of 1987.]

- (ii) Chairman/Administrators of all the Local Government Councils in the zone;
- (iii) BASIRDA zonal representatives to be appointed by the Zonal Manager; and
- (iv) the Chief Administrative Officer of the zone to act as Secretary.

(2) The functions of the Zonal Development Advisory Committee shall be as follows—

- (a) advise on zonal physical and development requirement;
- (b) act as a link between the Authority and the Leadership at the Local Government level;
- (c) supervision of all development activities of the Authority in the zone of operation;

- (d) act as a source of feedback to the Council the Authority's Management system;
- (e) perform any function to be assigned to it by the Authority.

(3) (a) The Managing Director may establish Development Advisory Committees at the Local Government, District, Village and Hamlet level under the chairmanship of the Chairman/Administrator of the Local Government, the District Heads, the Village Heads and the Hamlet Heads respectively.

(b) The functions of each Development Advisory Committee in paragraph (a) are to—

- (i) advise on the physical development requirements of their respective areas;
- (ii) act as a link between the Authority and their respective communities; and
- (iii) act as a source of feedback to the Authority.

[B.A.S. 4 of 1987.]

13. Vesting of institutions, property, etc., on the Authority

With effect from the date of commencement of this Law or any other date to be appointed by the Governor, there shall vest in the Authority and without further assurance, such vesting shall extend to the whole lands, works, assets, powers, rights, privileges, equipments and any other property or materials, including staff (unless otherwise) of the following institutions:

- (a) Bauchi State Agricultural Development Programme;
- (b) Range Management Unit of the Ministry of Agriculture;
- (c) Rural Electrification Programme of the Development Board;
- (d) Rural Water Supply of the Water Board;
- (e) Rural Roads of the Ministry of Works;
- (f) Community Development Division of the Ministry for Local Government;
- (g) Youth Work of the Ministry of Social Welfare;
- (h) Co-operatives Division of the Ministry of Commerce and Industry.

PART V

Funds, Assets, Accounts and Report

14. Funds and resources of the Authority

The funds of the Authority shall consist of—

- (a) such monies as may from time to time be lent or granted to the Authority by the Government of the State;
- (b) such monies as may from time to time be lent or granted to the Authority by the Government of the Federation of Nigeria;

- (c) such monies or other property whatsoever as may from time to time be advanced by way of loan, or granted to the Authority by any Local Government of the State or Statutory Corporation, any Agency, International Organisation, private Foundation or any person whatsoever;
- (d) such sums as may be collected or received by the Authority in the performance of its functions;
- (e) all such other sums or property payable to or vested in the Authority under this law or by virtue of any other law.

15. Application of sums received by the Authority

(1) All the funds received by the Authority shall be credited to the funds of the Authority.

(2) The Authority may apply funds at its disposal to its own expenses including the remuneration and expenses of its members in respect of their duties as members and payment of salaries, allowances, pensions, gratuities and retiring benefits of its office and servants.

(3) The Authority may incur expenditure necessary for or incidental to the carrying out of any function or power conferred upon it under this Law.

16. Accounts

(1) The Authority shall keep proper books of accounts in respect of each and every financial year and shall within three months after the end of each financial year cause the accounts thereof to be audited by an approved authority.

(2) The Director of Audit may report on the Audit Report mentioned in subsection (1).

[BA.S. 4 of 1987.]

17. Annual accounts

(1) The Authority shall within 4 months after the end of each financial year submit to the Executive Council an annual report of its activities for that year and shall include in such report a copy of the audited account of the Authority report thereon.

(2) Before the commencement of each financial year, the Authority shall approve the estimate of its revenue and expenditure for that financial year and submit the same to the Executive Council through the Commissioner responsible for Rural Development.

Miscellaneous

18. Authentication of documents

(1) Any contract or instrument which when entered into or executed by a person not being a body corporate, may not require to be under seal, may be entered into or executed on behalf of the Authority by the General Manager or any person generally or specially authorised in that behalf by the Authority.

(2) The fixing of the common seal of the Authority shall be authenticated by the signature of the General Manager or some other member or person as may generally or specially be authorised in that behalf by the Authority.

19. Representation in Court

(1) In any suit the Authority may at any stage of the proceedings be represented in Court by a State Counsel or any other competent Legal Practitioner.

(2) For the purposes of this section—

“suit” includes action or any civil proceedings commenced by a writ of summons or in such other manner as may be prescribed by the rules of court but does not include criminal proceedings.

20. General Direction by Governor

(1) Notwithstanding anything contained in this Law, the Governor may give directions of a general or specific nature to the Authority with respect to the performance of its functions and it shall give effect thereto.

(2) The Governor may by order confer on the Authority such additional power or functions as he may deem fit.

21. Standing orders

The Authority may make standing orders to regulate the procedure and the conduct of meetings of the Zonal Management Unit and the Zonal Development Advisory Committee.

22. Regulations

The Governing Council may regulate its own proceedings and make regulations for the better carrying out of the provisions of this Law.