



**A BILL FOR
A LAW TO ESTABLISH NIGER STATE COMMODITY
AND EXPORT PROMOTION AGENCY (NISCEPA)**

BE IT ENACTED by the House of Assembly of Niger State of Nigeria and by the Authority of the same as follows:

PART I PRELIMINARY

*Citation and
Commencement*

1. This Law may be cited as the Niger State Commodity and Export Promotion Agency Law 2009 and shall come into force on the 11th day of August, 2010.

Interpretation

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

“Agency” means Niger State Commodity and Export Promotion Agency (NISCEPA);

“Board” means the Governing Board Established for the Agency under Section 4 of this Law;

“Chairman” means the Head of the Board;

“Government” means Niger State Government;

“State” means Niger State of Nigeria;

“Director General” means the Chief Executive Officer of the Agency;

“Ministry” means Ministry of Commerce, Investment and Cooperative;

“Governor” means the Governor of Niger State.

**PART II ESTABLISHMENT OF THE NIGER STATE
COMMODITY AND EXPORT PROMOTION AGENCY**

*Establishment of the
Agency*

3. (1) There is hereby established for the State, Niger State Commodity and Export Promotion Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal, and shall have powers to sue and be sued in its corporate name and hold, acquire and dispose of land.

*Establishment of the
Governing Board*

4. (1) There is hereby established for the Agency a Governing Board.

(2) The Board shall consist of :

- (a) a Chairman to be appointed by the Governor;
- (b) the Director General of the Agency;
- (c) the representative of the following Ministries/organizations not below the rank of a Director;
 - (i) Ministry of Agriculture;
 - (ii) Ministry of Livestock and Fisheries;
 - (iii) Ministry of Environment, Forestry Resources;
 - (iv) Ministry of Land and Survey;
 - (v) Ministry of Commerce, Investment and Cooperative;

*Constitution of the
Board*

- (vii) Niger State Agricultural Development project;
- (viii) Ministry of Finance and Economic Planning;
- (ix) Chairperson of Market Women Association to be nominated by the Ministry of Women Affairs;
- (x) Chairman of Niger State Farmers Group; and
- (xi) State President of NACCIMA.

(d) three other persons shall be appointed by the Governor to represent each of the Senatorial Zones of the State and be person of proven integrity, one of whom shall be a woman.

(e) the Chairman and other members of the Board other than those appointed by virtue of their public office shall be paid such allowances as the Governor may from time to time determine.

(3) the Board may make rules regulating its own proceedings.

PART III – FUNCTIONS AND POWERS OF THE AGENCY

Functions of the Agency

5. (1) The functions of the Agency shall be:

- (a) to develop and increase the production of different commodities in the State;
- (b) to trade commodities on the floor of the security and commodity exchange;
- (c) to create market for commodities both local and international;

- (d) to assist in the development of small and medium scale industries for the foreign and local market;
- (e) to inform and educate industrialist on the need for export;
- (f) to facilitate and create an enabling environment for export trade;
- (g) create an incentives scheme for producers, processors and marketers of commodities;
- (h) liaise with Export Promotion Agencies both local and international, Government and non- governmental, etc.
- (i) provide a platform for the State to relate with producers and wholesales buyers of its agricultural produce;
- (j) develop good working relationship with Research Industries for the development of high yielding crops and livestock.
- (k) Coordinate the organization and development of commodity associations/cooperatives, etc.

(2) The Agency shall be accountable to the Board for all funds accruing to it for purposes of discharging its functions under this Law.

PART IV – PRINCIPAL OFFICERS OF THE AGENCY

Principal officer of the Agency

6. The Principal officers of the Agency shall be:
- (a) the Director General;
 - (b) Director, Commodity Development Unit;
 - (c) Director, Export Promotion Unit;
 - (d) Legal Adviser/Administrative Secretary. Who is to serve as Secretary of the Board
7. (1) The Governor shall appoint for the Agency, a Director General.

- (2) (i) The Director General shall be responsible for the day to day execution of the policies and management of the Agency subject however to the directives of the Board.
- (ii) articulate the export policy for the approval of Boards of the Agency.
- (iii) conduct market researches and select markets for the products of the Agency;
- (iv) initiate decision on the products to target to such selected markets.
- (v) propose the best channel to use in the distribution of these products in the target markets;
- (vi) collaborate with the Board to appoint distributors, sales agents or commission agents as conduits for the penetration of the target markets.

Other Staff of the Agency

8. (1) The Agency shall appoint such number of employees as may in the opinion of the Agency be expedient and necessary for the proper and efficient performance of the functions of the Agency subject to the approval of the Board.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pension) of the employees of the Agency shall be as determined by the Board after consultation with the State Civil Service Commission.

Pension

9. (1) Service in the Agency shall be approved service for the purpose of the State Pension Law.

(2) The employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are

enjoyed by persons holding equivalent grades in the Civil Service of the State.

(3) Nothing in subsection (1) and (2) of the Section shall prevent the appointment of a person to any office, on term, which precludes the grant of pension and gratuity in respect of that office.

PART V – FINANCIAL PROVISIONS.

10. (1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by it.

(2) There shall be paid and credited to the fund established:

- (a) any other money that may be generated internally by the Agency;
- (b) allocation to the Agency from the state Government annual/monthly budget;
- (c) such monies as may from time to time be granted or lent to the Agency by the Federal, State or any/all Local Government Council(s); and
- (d) such monies as may from time to time be granted or received from
 - (i) the organized private sector, international/non-governmental organizations, etc;
 - (ii) by way of gifts, grants in-aid or otherwise; and
 - (iii) all other assets that may from time to time accrue to the Agency.

(3) The fund shall be managed in accordance with

the rules made by Government or Board and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions;

- (a) specifying the manner in which the assets or the fund of the Agency are to be held regulating the payments into and out of the fund; and
- (b) requiring the keeping of proper accounts and record for the purpose of the Fund in such form as may be specified in the rules.

11. The Agency shall manage and apply in finances strictly in compliance with budgetary provision approved for the Agency.

12. The Agency shall apply the proceeds of the funds established pursuant to Section 10 of this law to: -

- (a) the cost of administration of the Agency
- (b) payment of salaries, fees, remuneration, allowances, pensions and gratuities payment to the Board members and employees of the Agency.
- (c) The payment for all contract, including mobilization fluctuations, variations, legal fees and cost no contract administration;
- (d) The payment for all purchases; and
- (e) Undertaking such other activities as are connected with all or any of the functions of the Agency under this law.

13. The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as the gift are inconsistent of any of its functions under this law.

Award of

14. (1) The Director-General shall have power to award contracts not exceeding the sum of #1,000,000.00 for the performance of any of its functions under this law.

(2) The Agency shall not award a contract exceeding the sum of #1,000,000.00 without prior approval of the Board or the Governor.

(3) All contracts to be awarded shall be in accordance with Public Procurement Law issued in the State.

15. The Agency may borrow such sum of money with the approval of the Governor on such terms and conditions as the Agency may determine and as required for the exercise of its functions under this law.

16. (1) The Board shall not later than 30th September, in each year to the Governor an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The Board shall cause to be kept proper books of accounts of the Agency in respect of each years and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by the Auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the State through the Ministry of Commerce, Investment and Cooperatives.

17. The Board shall prepare and submit to the Governor not later than 30th June in each year; a report of such form as the Governor may direct on the activities of the Agency during the immediate proceedings year and shall include the audited accounts and the Auditor's report of the ear thereof.

*Tenure of the
Board*

18. The Chairman and members of the Board shall serve for four years subject to renewal for another term of four years, provided that nothing herein shall prevent the Governor from

removing any member or dissolving the Board before expiration of tenure.

PART VI – MISCELLANEOUS

19 (1) In the exercise of its functions under this law, the Agency may demand by requisition from any organization or individual any commodity, facilities or personnel which may assist in the effective promotion of production, research and sales of commodities in Niger State and beyond.

Revenue

(2) The Agency shall also ensure the realization of revenue from the sales of yams, derivatives of pounded yam and yam flour and other commodities through a well developed agriculture information system and marketing network.

Power to grant loan

(3) The Agency may with the approval of the Governor partner with relevant agencies, organizations, individuals etc. in advancing loans to interested groups and co-operatives, etc. in order to boost the production of targeted communities locally for onward export.

20. (1) For the purpose of providing officers and premises necessary for the performance of its function under this Law, the Agency may, subject to the provisions of the Land Use Act purchase or take on lease any interest in land, or any other property, and or construct, equip and maintain same.

(2) The Agency may lease out any offices or premises held by it, which office or premise is no longer required for the performance of its function.

21. Subject to the provisions of this Law, the Governor may give directives to the Agency of a general nature or relating generally to matter of policy with regards to the performance of its functions and it shall be the duty of the Agency to comply.

22. The Board shall have powers to:

- (a) manage and supervise the affairs of Agency;
- (b) make and regulate rules for carrying out the functions of the Agency subject to the provisions of this Law; and
- (c) fix terms and conditions of service including the remuneration of the employees of the Agency with due consultation with State Civil Service Commission.

23. (1) notwithstanding the provisions of Section 18 of this Law, a person shall cease to hold office as a member of the Board of the Agency if:-

- (a) he becomes bankrupt; or
- (b) he is convicted of a felony or any offences involving any act of dishonesty or fraud; or
- (c) he is guilty of a serious misconduct in relation to his duties; or
- (d) he becomes of unsound mind or incapable of carrying out his duties;
- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended other than at his own request, from practicing his profession in any part of the world by an order of competent authority and in respect of that member; or
- (f) he resigns his appointment by a letter addressed to the Governor of the State.

(2) if a member of the Board ceases to be in the office for any reason whatsoever, before expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

(3) A member of the Board may be removed by the Governor if he is satisfied that it is not in the interest of the Agency or the interest of the public that the member continues in office.

*Allowances of the
Board
Members*

24. There shall be paid to each member of the Board other than Ex-officio members, expenses as the Governor may from time to time determine.

PROCEEDINGS OF THE BOARD

25. (1) Subject to the provision of this Law, the Board may make standing orders regulating its proceedings or of its committees.

(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting and seven other members of the Board present. The quorum of any Committee of the Board shall be as determined by the Board.

26. (1) The Board 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 seven other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice was given.

(2) At any meeting of the Board, the Chairman shall preside, but if absent, the members present at the meeting shall appoint one of the members to preside at the meeting.

27. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him/her for such period as it deems fit. But any person who is in attendance by virtue of this paragraph shall not be entitled to vote and shall not count towards a quorum.

28. (1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, The Director General as Secretary of the Board or any person generally or specifically authorized by the Board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a 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 Director General or any person generally or specifically authorized by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall unless and until the contrary is proved be presumed to be so executed.

28. The validity of any proceedings of the Board or of its Committee shall not be adversely affected by:

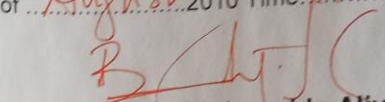
- (a) a vacancy in the membership of the Board or Committee; or
- (b) a defect in the appointment of a member of the Board or Committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

EXPLANATORY NOTE

The law seeks to establish Niger State Commodity and Export Promotion Agency (NISCEPA) to promote exportation of commodities in the State and provide platform for the State to relate with producers and wholesale buyers of its commodities etc.

FIRST SCHEDULE

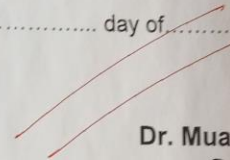
I assented this 16th day of August, 2010 Time 11:00 am


Dr. Muazu Babangida Aliyu OON
Governor of Niger State

*Chief Executive
of
Niger State*

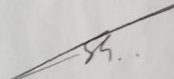
SECOND SCHEDULE

I withheld assent this..... day of..... 2010 Time.....


Dr. Muazu 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

