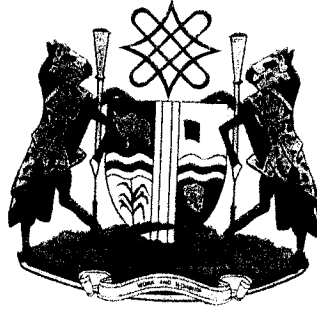


**A LAW TO ESTABLISH THE KADUNA INVESTMENT PROMOTION  
AGENCY AND OTHER MATTERS CONNECTED THEREWITH**



Kaduna State of Nigeria

Law No. 17 2015

( 23<sup>rd</sup> December 2015)

Date of Commencement

**BE IT ENACTED** by the House of Assembly of Kaduna State as follows:-

Enactment

1. This Law may be cited as the Kaduna Investment Promotion Agency (KADIPA) Law, 2015.

Short Title

2. This Law shall come into operation on the 23<sup>rd</sup> day of December 2015.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

"Agency" or "KADIPA" means the Kaduna State Investment Promotion Agency established under Section 4 of this Law;

"Board" means the Board of the Agency;

"Chairman" means the Chairman of the Board of the Agency;

"Committee" means the Committee established by the Board;

"Executive Secretary" means the Chief Executive and Accounting Officer of the Agency;

"Government" means the Government of Kaduna State;

"Governor" means the Governor of Kaduna State;

“Member” shall include the Vice Chairman; and

“State” means Kaduna State of Nigeria.

4. (1) There is hereby established for the State a body to be known as the Kaduna State Investment Promotion Agency (in this Law referred to as “the Agency”). Establishment of the Agency
- (2) The Agency shall be a body corporate, with perpetual succession and a Common Seal and with power to sue and be sued in its corporate name and to acquire property whether movable or immovable for the purpose of its functions under this Law.
5. The purpose of the Agency is to initiate, promote, facilitate and coordinate investments in the State through Greenfield, Public Private Partnerships, Privatisation, Commercialisation of State owned assets and Build, Operate and Transfer. Purpose of the Agency
6. (1) The Board may consist of the following members: Composition of the Board
- (a) Chairman who shall be the Deputy Governor of the State;
  - (b) a Vice Chairman who shall be appointed from the private sector and who shall be a respected person of good character with sound knowledge of the Nigerian business and investment environment and a track record of success;
  - (c) the Commissioner for Agriculture;
  - (d) the Commissioner for Commerce, Industry and Tourism;
  - (e) the Commissioner for works, Housing and Transport;
  - (f) the Commissioner of Justice and Attorney General;
  - (g) the Commissioner for Budget and Planning;
  - (h) the Commissioner for Local Government and Chieftaincy Affairs;

- (i) Secretary to the State Government;
  - (j) the Head of Civil Service of the State;
  - (k) the Special Adviser to the Governor on Economic Matters;
  - (l) the Director General responsible for land matters;
  - (m) the President of the Kaduna Chamber of Commerce, Industry, Mines and Agriculture;
  - (n) four (4) persons, two of whom shall be women, to be chosen from various professional backgrounds; and
  - (o) the Executive Secretary of Kaduna Investment Promotion Agency shall serve as the Secretary of the Board.
- (2) Members of the Board shall serve on part-time basis and shall be appointed by the Governor.
  - (3) Where the Commissioner is unable to attend, he shall be represented by the Permanent Secretary in the Ministry.

7. The functions of the Board shall be to:

Functions of the Board

- (a) promote policies and transparent procedures that enable the State Government to work with potential investors and business partners to develop the natural resource base and assets of the State;
- (b) develop appropriate institutional and regulatory framework for investment promotion and facilitation in the State;
- (c) articulate clear growth strategies for providing needed support and appropriate incentives to grow the local private sector and enlarge the economic base of the State in line with the priorities of the State;
- (d) develop and implement a comprehensive strategy and action plan to attract and facilitate new investments in the State; and

- (e) foster sustainable economic growth and create job opportunities for the residents of the State.
8. (a) The Board shall meet at least once every quarter to review the progress of the various programmes and projects on the roadmap and to consider any special issues as may be directed by the Governor.
- (b) Where the Chairman and Vice Chairman are unable to attend any Board Meeting, the members present shall select a chairman for the meeting from the members present.
- (c) At every Board Meeting, a quorum shall be formed when a simple majority of the members are in attendance.
- (d) In the event of a stalemate on any vote relating to any matter, the chairman of the meeting shall have a casting vote.
- (e) Where any Board member has any direct or indirect interest on any matter before the Board, the member shall declare his interest to the Board following which the member shall be excused from participating in discussions or voting on the particular matter under consideration.

Meetings of the Board

9. The Agency shall:

Functions of the Agency

- (1) advise and conduct risk or benefit assessment that will assist the Government on the implementation of all projects and programmes in the State Investment Promotion Strategy;
- (2) advise and assist the government in creating an attractive and competitive climate for business that will lead to robust economic activities in the State;
- (3) 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 partnerships and other financial arrangements as well as, where appropriate acting as lead negotiator in deals with private investors .

that ensure the needs of the State and those of its citizens are well represented;

- (4) monitor the implementation, execution and delivery of projects as contained in agreements between the State Government and respective investors;
- (5) assist the State in building capacity for investment project identification, evaluation, planning, execution and management;
- (6) advise and assist in the establishment of a framework for monitoring and evaluating the progress of the State's strategic economic investment programmes and projects for effective implementation;
- (7) establish a framework for identifying and pro-actively engaging the Federal Government and its agencies in the investment promotion drive of the State;
- (8) articulate clear growth and development strategies for providing needed support and appropriate incentives to grow the local private sector and enlarge the economic base of the State in line with the priorities of the State;
- (9) advise and assist the government in developing and maintaining a comprehensive and reliable database on investment opportunities for effective planning especially in areas where the State has demonstrable comparative and competitive advantages;
- (10) publish and periodically revise data and information on the investment status of the State in order to assist prospective investors – both domestic and foreign – to evaluate the State's potential as an investment destination;
- (11) develop a database of reputable prospective and potential investors both in Nigeria and abroad with a view to reaching out to them when opportunities arise;
- (12) plan and organise targeted and well-researched investment promotion activities including tours and road shows aimed at promoting specific investment projects in

areas when the State has demonstrable comparative and competitive advantages;

- (13) based on the State's resources the focus of the approved Agency strategy, identify and document available land for agricultural, housing, mining, industrial and other uses so that it can be speedily made available to qualified investors in a manner that protects the rights of all stakeholders (land owners, occupiers, communities) and provides opportunities for optimal land use for investment and job creation;
- (14) perform such other functions as the Governor may from time to time direct or as may be deemed necessary to achieve its primary purpose under this Law;
- (15) act as the State's lead negotiator for all PPP, Build-Operate-Transfer and privatisation transactions even where they are identified and/or project managed by other Ministries, Departments and Agencies; and
- (16) the Agency shall be a one-stop resource and coordination centre for all investment related activities.

10. The Agency shall have powers to:

Powers of the Agency

- (1) conclude arrangements 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;
- (2) 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;
- (3) request the Head of any Ministry, Department or Agency of the Government to furnish it with any document, explanation or other information it may require for the due execution of its functions under this Law;
- (4) regulate its own proceedings;
- (5) insure its property against all forms of risk;

- (6) do such other things as are reasonably incidental, supplemental or conducive to its functions under this Law;
11. (1) A member of the Board shall hold office for a term of four years and may be reappointed for another term of four years. Tenure of Office of Board Members
- (2) Members of the Board shall be paid such remunerations and allowances as may be approved by the Governor. Remuneration of Board Members
12. The office of a member of the Board shall become vacant where: Cessation of Membership
- (1) the term of appointment has expired;
- (2) a one month notice of resignation in writing has been given to the Governor.
13. (1) The Governor may revoke the appointment of a member who is not an Ex-officio where he is satisfied that such a member: Removal from Office
- (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 for membership of the Board by reason of conviction for a criminal offence or abstention from three consecutive meetings without the leave of the Board.
14. (1) There shall be for the Agency an Executive Secretary who is the Chief Executive and Accounting Officer and shall be appointed by the Governor. Appointment of Executive Secretary
- (2) The Secretary, who may be appointed from either the public or private sector, must be a person with cognate experience in investment promotion, finance and economic planning or other related activities, with at least five years experience in a managerial capacity.
- (3) If appointed from the public sector, the candidate shall be of a rank not below a Director in the civil service.

- (4) The Executive Secretary shall hold office for a term of four (4) years and may be re-appointed for one further term of four (4) years.
- (5) The Executive Secretary shall be paid such remuneration and allowances as may be determined from time to time by the Governor.

15. The Executive Secretary shall:

Functions of the  
Executive Secretary

- (a) prepare a three-year rolling strategy and a 12-month action plan and budget based on the functions of the Agency for review and approval by the Board;
- (b) monitor the progress of the strategy and prepare quarterly reports for the Board's review;
- (c) Liaise with all Ministries, Departments and Agencies of Government for the purpose of continually collecting, 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 Board for the purpose of defining appropriate policy directions and high-level reform priorities;
- (e) develop a prioritised comprehensive reform strategy, which identifies roles and responsibilities for reform, time bound targeted action plans, outputs and supporting budgets for effective management and investment promotion;
- (f) prepare policy and strategy papers on key investment issues as may be directed by the Board;
- (g) carry out activities aimed at building the institutional capacities of Ministries, Departments and Agencies of Government and other relevant stakeholders 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) coordinate the implementation of the various recommendations of the State Executive Council on investment issues;
  - (j) provide support in the development of feasibility studies on investment projects in small and medium enterprise supported sectors;
  - (k) coordinate all activities of the Agency including the execution of its Work Plan and Annual Budget and ensure the maintenance of accurate accounting records; and
  - (l) undertake any other tasks relating to investment promotion as may be directed by the Board or the Governor.
  - (m) arranging meeting of the Board and its constituted committees;
  - (n) preparation of the Agenda and the minutes of such meetings;
  - (o) conveying decisions of the Board to all relevant parties;
  - (p) arranging for the payment of allowances of the Board ~~members and other related matters~~;
  - (q) providing legal advice and counsel to the Executive Secretary; and
  - (r) generally performing all other duties affecting the Agency as may be assigned to him by the Executive Secretary.
16. The Board shall appoint a Legal Adviser who shall be a Legal practitioner with at least ten (10) years post-call and cognate experience in administrative, investment and corporate governance. Secretary/Legal Adviser
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 for the posting of employees from the Staff of the Agency

State Public Service and accept secondment or transfer from the Federal Public Service where such employees meet the Agency's professional and technical standards.

- (2) The Agency shall have power to make, with the approval of the Board, Staff Regulations governing the conditions of service of the Agency employees until such regulations are made, the regulations and conditions of service applicable to employees in the State Public Service shall apply subject to such modifications as the Board may, in its discretion, make.
18. (1) It is hereby declared that Service in the Agency shall be approved service for the purpose of the State Pension Law and accordingly, the Staff of the Agency shall be entitled to pension and other retirement benefits as prescribed under the State Pension Law. Pensions
19. The Agency shall appoint a consultant where the Agency lack the technical competence. Appointment of Consultant
20. (1) The Agency shall establish and maintain a fund that shall be applied towards the discharge of its functions under this Law. Funds of the Agency
- (2) There shall be aid and credited into the fund established pursuant to sub-section (1) of this Section:
- (a) all subventions and budgetary allocations from the State Government;
  - (b) gifts, loans, endowments, grants or aid from any agency, institution, bilateral and multilateral organisations or any government and entitlements from privatisation proceeds;
  - (c) such monies as 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 as permitted under this Law.

21. The funds of the Agency shall be utilised for the following purposes:
- (1) allowances, salaries and other emoluments of members and staff of the Agency;
  - (2) all other expenses incurred by the Agency in the discharge of its functions under this Law or any other enactment.
22. (1) The Agency shall keep accounts of its income and expenditure for each financial year and shall cause the accounts to be properly audited annually.
- (2) The Agency shall also appoint reputable External Auditors from a list 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.
- (3) The Agency shall forward a report of the external audit to the office of the Auditor-General of the State not later than two weeks after the submission of report by the External Auditor.
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.
24. (1) The Agency shall, as soon as 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 Executive Secretary or some other member authorised generally or specifically by the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall be deemed to be properly executed unless the contrary is proved.
25. (1) Subject to the provisions of this Law, no suit shall be commenced against the Agency before the expiration of thirty (30) days after written notice of intention to commence such suit has been served upon the Agency

Application of Funds

Annual Estimates,  
Accounts and Audit of  
the Agency

Governor's General  
Directives and Guidelines

Legal Proceedings

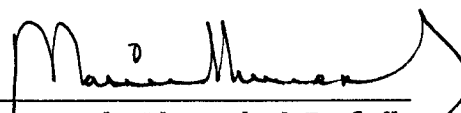
by the intending claimant or his agent, and the notice shall clearly state:

- (a) the cause of action;
- (b) the particulars of clam; and
- (c) the relief sought.

(2) No member or staff 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.

26. The Kaduna State Public-Private Partnership Agency Law of 2010 and the Kaduna State Privatisation and Commercialisation Law of 2004 are hereby repealed. Repeal

**DATED AT KADUNA** this ..... 22<sup>nd</sup> ..... day of ..... December ..... 2015.

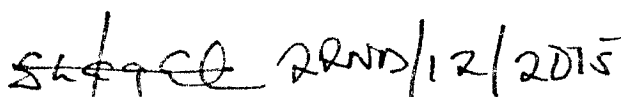
  
**Malam Nasir Ahmad el-Rufa'i**  
Governor, Kaduna State.


**EXPLANATORY NOTE**

(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to promulgate the Kaduna Investment Promotion Agency 2015 into Law and to provide a regulatory framework for investment promotion and facilitation in the State.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.

  
**HON. AMINU ABDULLAHI SHAGALI**  
(Speaker)

  
**BARR. UMMA ALIYU HIKIMA**  
(Clerk to the Legislature)