

CHAPTER 50

ENUGU STATE COUNCIL TRADITIONAL RULERS LAW

Arrangement of sections

Sections;

1. Short title
- 2 Interpretation
- 3 Establishment and composition of Council
- 4 Appointment of members
5. Tenure of office
6. Qualifications
7. Removal from office
8. Remuneration
- 9 Powers and rules

SCHEDULE

CHAPTER 50

ENUGU STATE COUNCIL OF TRADITIONAL RULERS LAW

A Law to make provisions for the establishment, structure and composition of the Traditional Rulers Council and for the matters connected therewith.

ENSL,2003
NO 4

ENSL,2004
NO.9

[16th December 2003]

1. This Law may be cited as the Traditional Rulers Council Law.

Short title

2. In this Law-

Interpretation

‘chairman’ means the chairman of the Council.

“council” means the traditional Rulers established under Section 3 of this law;
“member ” means a member the Council and includes the chairman and the Deputy Chairman.

“Governor” means the Governor of Enugu State of Nigeria

“public service of a State” has the meaning assigned to it by the 1999 Constitution and the expression shall be construed accordingly;

“Secretary” means a Civil Servant not below Grade level 12 appointed by the Commissioner charged with the responsibility for matters relating to Chieftaincy as Secretary to the Council.

“security” officer” includes a Law enforcement agent;

“State” means Enugu State of Nigeria

“Traditional Ruler” means a recognized Chief under the Traditional Rulers Law.

3. (1) The Traditional Rulers Council is hereby established;

(2) The composition of the Council shall be as set out in the first Schedule hereto;

4. (1) The Chairman, the three Deputy Chairman and other members of the Council shall be appointed by the Governor from the Appointment of Members additional Rulers in the State.

(2) There shall be appointed by the Governor a Grand Patron and two Patrons from among the Traditional Rulers of the senatorial zones of the State who shall hold office at the pleasure of the Governor

5. (1) The Chairman, each Deputy Chairman and each member of the Council, shall, subject to the provisions of this Law, remain the Chairman, Deputy Chairman or member thereof for a period of three years from the date of his appointment as Chairman, Deputy Chairman or member respectively;

(2) The Chairman, Deputy Chairman or member may be re-appointment for another term of three years as such Chairman, Deputy Chairman or member, provided that he shall not be qualified for further appointment as Chairman, Deputy Chairman or member if he has served two terms consecutively, as such.

(3) A member of the Council shall cease to be a member if-

(a) his recognition as a traditional ruler is withdrawn by the Governor in accordance with the provisions of the Traditional Rulers Law;

(b) his community or town ceases to be an autonomous community recognized by the Government of the State or for whatever other reason.

(c) any other circumstances arise that if he were not a member of the Council would cause him to be disqualified for appointment as such a member.

Establishment
and
composition
of Council

Tenure
of
Office.

6. (1) No Traditional Ruler shall be qualified for appointment as member of the Council if —
- (a) within the preceding five years he has been removed from office as a member of the Council or as the holder of any other public office on the ground of misconduct; or
- (b) he has been found guilty of any offence involving fraud; or
- (c) is guilty of a breach of his undertaking under the code of conduct endorsed by him.

(2) No Traditional Ruler shall be qualified for appointment as a member of the Council if having previously been appointed as a member of the Council he has been reappointed for a further term as a member of the Council.

7. A member of the Council may be removed f ^{Removal from} Office y the Governor if-
- (a) he is unable to discharge the functions of the office as a result of any infirmity whether of mind or body or any other cause; or
- (b) he is guilty of any misconduct; or
- (c) the Governor deems it fit in the public interest to do so.
8. (1) There shall be paid to the holder of the offices of the Chairman, Deputy Chairman, and members of the Council such remuneration in addition to their salaries as may be determined by the Governor

Remuneration

(2) The remuneration, salaries and allowances payable to the holders of the offices so mentioned shall be charged upon the Local Governments Joint Account.

9. The Powers and Rules of the Council shall be as set out in the Second Schedule hereto

Powers ad
Rules

FIRST SCHEDULE

(Section 3)

COMPOSITION OF COUNCIL

The Council shall comprise—

- (a) a Chairman;
- (b) three Deputy Chairmen to be appointed by the Governor from each Senatorial Zone of the State;
- (c) one Traditional Ruler to be appointed by the Governor from each of the Local Government Areas of the State to serve in rotation for three years;
- (d) not more than 15 other Traditional Rulers to be appointed equally from the 3 Senatorial Zones of the State;
- (e) one Grand Patron
- (f) one patron to be appointed for each of remaining two Senatorial Zones other than the zone from the Grand Patron was appointed; and
- (g) notwithstanding the provisions of section 6(2) and paragraph 3(d) of the First Schedule to this Law and any other subsection, the Governor may on his absolute discretion appoint other members as he deems fit

SECOND SCHEDULE

(SECTION 9)

RULES

Rule

1. Function
2. Powers
3. Meeting of the council
4. Venue and time
5. Quorum
6. Sitting arrangements and presiding officer
7. Duties of Secretary to the Council
8. Security officer
9. Motion or petition
10. Arrangements of public Business and Official language
11. Conduct of members at meeting
12. Power of the
13. Time limit for speeches
14. Voting in the Council/Committee

- 15. Standing Committee
- 16. Minutes of meeting
- 17. Suspension of these rules
- 18. Absenteeism
- 19. Visitors and press

1. It shall be the duty of the Council to advise the Governor on any matter relating to customary law or cultural affairs, inter-communal relation; and chieftaincy matters.

Function.

2. The Council shall have power to advise the Governor whenever requested to do so on —

Powers

- (a) the maintenance of public order within the State or any part thereof; and
- (b) such other matters as the Governor may direct

3. (1) The Council shall meet in ordinary session at least once every quarter (every three months).

Meeting of the Council

(2) In addition to the ordinary meetings, the Chairman shall have power to summon an extra ordinary meeting of the Council at any time he deems it necessary

4.(1) The venue of meeting of the Council shall be the second Chamber of the State House of Assembly or such other venue as the Secretary to Council may indicate in the notice of meeting.

Venue and time

(2) All meetings of the Council, except extraordinary meetings, shall be summoned by the issuance of the notice of meeting not less than 14 days preceding the date of the meeting and being by 11: 00 am, but the time may be varied by Chairman as circumstances may demand.

(3) The notice of meeting shall contain the agenda of the meeting

Quorum

5. The Council shall be deemed to be properly constituted if one third of its full membership is present.

Sitting
Arrangement
and Preceding
officer

6. (1) At every meeting of the Council, separate seats shall be provided for the Chairman, and the deputy Chairman, Other members shall sit as they deem fit and in the order of their arrival,

(2) The Chairman shall preside over all meetings of the Council, and in the absence of the Chairman, the 1st “Deputy Chairman, 2nd Deputy Chairman or 3rd Deputy Chairman, shall preside in that order.

(3) In the absence of the Chairman and all the Deputy Chairmen. the Council shall elect one of its members to preside at the meeting as often as it may be necessary,

(4) The Council may appoint a committee of its members for the handling of any specific issue to be handled by the Council.

(5) The proceedings of a committee of the Council shall be presided over by the Chairman appointed by the Council for such committee except that member of the committee shall elect a member among themselves to deputize for the Chairman in his absence.

(6) The Grand Patron. Patrons, Chairman and Deputy Chairmen of the Council shall be ex-officio members of all standing committees.

7. (1) The Secretary shall — -

(a) keep all the minutes and proceedings of the Council and of its committee and shall circulate a copy of such minutes, motions, papers, etc to members before the date of the next meeting.

(b) issue notice of meetings which includes prepared agenda on the directives of the Chairman not later than 14 days before the date of the meetings.

- (c) under the general or specific directions of the Chairman. be responsible for convening all meetings of the Council and its committees and compile the Reports of such Council and committee
- (d) keep custody of the vote. records, bills and other documents of the Council: and
- (e) be in charge of the Council's Secretarial

(2) The Secretary shall perform all such other functions as may from time to time he assigned to him by the Chairman of the Council

Security
Officer

8. Security Officers shall be provided for all meetings of the council. and shall subject to the provisions of any other Law or enactment be under general directions of the Chairman,

Motion petition

9. A Member wishing to submit a motion or petition to the Council shall submit same to the Secretarial of the Council not later than 21 days before the date of the meeting.

Arrangement of Business and official language

10. (1) Unless the council otherwise directs, the business of each meeting shall be transacted in the following order-

- (a) Prayer and breaking of Kola – nuts
- (b) Messages and announcement
- (C) Petitions, prayers and motions.
- (d) Reports from standing committees:
- (e) other matters.
- (f) Motion for adjournment;
- (g) Prayers.

(2) The official languages of the Council shall be —

- (a) English. and

(b) Igbo

Conduct of members at meetings

11. (1) A member wishing to speak, shall indicate this by raising his hand and waiting for the Chairman's permission

(2) No member shall speak except with the permission of the Chairman of the meeting.

(3) A member shall not be unduly interrupted while speaking.

Power of the

12. (1) Violation of Rule I I (2) above or unauthorized interruption of a member while speaking shall be punishable at the discretion of the Chairman 'the meeting by withdrawal of the right of speech from the erring member for the duration of the meeting

(2) The Chairman of a meeting may require a member to discontinue speaking on any topic if in the opinion of the Chairman the speech is irrelevant

(3) Whenever the Chairman rises during a debate any member then speaking OR offering to speak shall sit down. and the Council or Committee shall be silent so that the Chairman may be heard without interruption

(4) The Chairman of a council or committee meeting shall be responsible for the observance of these rules,

'5) In the case of grave disorder arising in the Council; the Chairman may if he thinks it necessary do so. adjourn the proceedings and suspend the sitting to a date and time to be fixed by him

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speeches

3. The time limit for speeches shall be at the discretion of the Chairman

in the
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ittee

14. (1) All questions proposed for decision in the Council or committee shall be decided by a simple majority of those present and voting

(2) In the event of the members of the Council or committee being equally divided in their votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

Standing
Committee

15. (1) The follow Standing Committees of the Council are hereby established —

- (a) Socio- cultural;
- (b) Land matters;
- (C) Chieftaincy matters;
- (d) State and Local Government Relations;
- (e) Law and order.

and any other section in the said parent Law that conflicts with the provisions of the Sub-section, the Governor may on his absolute discretion appoint other members as he deems fit to appoint",

- (d) In Sub-paragraph (I) of paragraph 6 of schedule 2 thereof by adding the expression "Grand Patron, Patrons" between the words "the" and "Chairman".