

CHAPTER 84
FUND FOR SPECIAL DEVELOPMENT LAW

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CHAPTER 84
FUND FOR SPECIAL DEVELOPMENT LAW

A Law to establish special development fund for Enugu State and to provide for matters connected therewith.

ANSI, CAP. 56

[27th August 1991]

1. This Law may be cited as the Fund for Special Development Law

Short title

2. In this Law ---

Interpretation

"Community" means a place identifiable as a town in or other component part of a local government area as set out in the First Schedule to the Local Government Edict, 1979 as amended by the Local Government (Amendment) Law, 1981, and includes the residents of such place;

"Community Committee" or "Committee" means the Community Development Fund Committee established by section 6 of this Law;

"Fund" means the Special Development Fund established by section 3 of this Law;

'Government' means the Government of the State;

"Governor"* means Governor of the State and includes Military Governor or any other person succeeding him in office. "House of Assembly" means the State House of Assembly;

"Indigene" means a person—

(a) whose father: or other ancestor, and in the case of a married woman whose husband, derives from a community;

(b) who is domiciled in the community: or

(c) who has a traditional association with and acknowledges the community as his community

"State" means Enugu State of Nigeria;

"State Committee" means the State Development Liquid Committee established by section 5 of this Law.

3. There is hereby established for the State a fund to be known as Fund for Special Development which shall consist of—

(a) the proceeds of any collection in or from a community under this Law;

(b) any money paid into the Fund by the resident or an indigene of a community irrespective of whether the money is paid direct into the Fund by such a resident or an indigene, or it is paid into the fund through the Committee;

(c) any grants or subsidies made by the Government or a local government Specifically for a development project in the State.

(d) any money paid into the Fund by a social club in accordance with this Law;

(e) any grants, subsidies, donations or other payments to the Fund by any other person or body, and

(f) any other monies paid or received the Fund.

Application
of the Fund

4. (1) Money paid into the Fund by or in respect of a community or by a social club or a member of a community or any other person or body shall be applied towards any development project in the community or within the State in such manner as the State Committee may direct.

Establish
ment of
the Fund

Establishment
and Composition
of State
Committee as
well as
termination of
membership

(2) In giving a direction under subsection (1). the State Committee shall have regard to any advice of the Committee under paragraph (g) of section 7 of this Law.

5. (1) There is hereby established a committee to be known as the State Development Fund Committee which shall comprise the Governor as the Chairman and the following other members, that is to say, —

- (a) the Deputy Governor;
- (b) the Attorney-general and Commissioner for Justice.
- (c) the Commissioner for Local Government and Rural Development;
- (d) the Commissioner for Works;
- (e) the Commissioner for finance.
- (f) the Commissioner for Economic Development
- (g) the Commissioner for Special Duties (Finance and Economic Matters);
- (h) the Director of Budget; and
- (i) fifteen other members, three of whom shall be appointed from each senatorial district

(2) The Permanent Secretary in the office of the Commissioner responsible for revenue matters or any other person so appointed by the Governor shall be the Secretary.

(3) Persons who are members of the State Committee' by virtue of paragraph (1) of subsection (1) shall be appointed by the Governor and may be paid such allowance or allowances as the Governor may determine.

(4) The Governor may where he deems it expedient, revoke any appointment made by him pursuant to subsection (3).

(5) Without prejudice to the provisions of subsection (4). a member of the State Committee appointed under subsection (3) may resign his membership by giving thirty days' notice in writing to the Governor, and upon the expiry of the notice, his membership shall determine.

6. (1) There shall in every community be a committee to be known as the Community Development Fund Committee which shall comprise the chairman and not more than eleven other members, all of whom shall be appointed by the Governor in such a manner as at least seven of the members including the chairman shall be indigenes of the community

Establishment,
Composition,
corporate,
personality, etc.,
of Community
Committee

(2) The Committee 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 and hold property

(3) The Governor may appoint an officer in the State Public Service. not below the rank of a Grade Level 07 officer to be the Secretary of the Committee.

(4) Members of the Committee may be paid such allowances or reimbursed such reasonable out-of-pocket expenses as the Governor may direct.

(5) The appointment of a member of the Committee may at any time be revoked by the Governor where he deems it expedient to do so.

Functions of
Committee

7. The Community Committee shall -

(a) determine any amount which it may call upon any resident or social club or indigene of a community to pay or contribute to or for the purpose of the Fund and proceed to collect such amount from such resident or indigene;

(b) generally, make arrangements for, monitor and supervise all collections for the purpose of the fund in the Community.

(c) promptly pay over to the fund and in the manner provided by the State Committee, all collections from the community as well as every other money received or collected by it for the purpose of the fund;

(d) promptly render to the State Committee an account of each collection as well as a periodic return of its activities generally under this Law;

(e) keep and maintain books, records and accounts of its other activities;

(f) carry out enlightenment campaigns in order to stimulate the consciousness of the members of the community for the fund;

(g) identify the priorities of the Community in terms of development projects and other facilities, and advise the State Committee accordingly

Guidelines for
determining
amounts payable

8. In determining the amount payable at any time by a person, community or social club or any other body under this Law, the Committee shall have regard to the general financial standing of the community, social club, person or any other body.

Demand for
payment

9. (1) Any amount duly determined by a Committee as payable by any community, social club or any person or body under this Law shall be due and payable by that community, social club, person or body not later than sixty days after a demand, in writing, for the payment of the amount has been made on him by the Committee or within such time as may be specified in the regulation made hereunder.

(2) A demand for payment of any amount under subsection (1) shall be as in form A of the Schedule to this Law and shall be delivered personally to the person upon whom payment is demanded or may, where personal delivery is impracticable, be—

(a) Posted on any conspicuous place at the residence or the last known place of abode of the person, or

Schedule
(Form A)

(b) published in the State Official *Gazette*.

10. (1) Where after the expiry of the period mentioned in subsection (1) of section 9 an amount duly demanded in accordance with the provisions of subsection (2) of that section remains unpaid by the person upon whom the demand has been made the amount so remaining unpaid shall be a debt accruing from that person to the fund.

Amount in default to constitute a debt after demand

(2) Where a debt accrues against any person by virtue of subsection (1) of this section the Committee shall have a lien on any property of the person, and may for purposes recovering the debt distrain on such property

(3) Any property which is distrained pursuant to subsection (2) may, after seven days' notice of sale by the Committee to the debtor, be sold by public auction.

(4) A notice of sale shall be in the form of Form B of the Schedule and shall be served on the debtor in the same manner as a demand for payment under subsection (2) of section 9.

Form B

(5) The proceeds of a sale under this Law shall be applied in settlement of the debt, and shall be paid into the Fund by the Committee after deducting the expenses of sale and other reasonable expenses, and any balance from such proceeds shall be paid over to the debtor

11. (I) Any person upon whom a demand for payment of an amount has been made by the Committee pursuant subsection (1) of section 9 and who objects to the demand on the ground that he cannot afford the amount demanded, may within fourteen days of the demand, appeal to the State Committee.

Appeal

(2) An appeal shall not lie under subsection (1) of this section unless the appellant has first deposited with the community committee or into the fund at least half of the amount which has been demanded of him by the committee.

(3) Where the State Committee decides an appeal in favour of the appellant, it may order the refund to him of the amount deposited under subsection (2) or make such further order as the Justice of the matter may require.

(4) A further appeal shall lie to the High Court within thirty days of any decision or order of the State Committee.

12. the State Committee shall after consultation with a community committee make recommendations to the Governor with respect to any rewards, or commendations which may be offered or given to any person, community, social club or any other body who makes sizeable donations, contributions or other payments to the Fund, or who otherwise distinguishes himself in the development efforts of his community.

Rewards, etc.

Obstructing
Collections

13. Any person who—

(a) dissuades or prevents any other person or persons or a community from paying a donation, contribution or other money to or for the purposed of the Fund;

(b) obstructs or conspires with any other person, to obstruct any collection of money where such collection is made for the purposes of the Fund;

(c) does anything capable of obstructing or calculated to obstruct the collection of money for the purposes of the Fund:

is guilty of an offence and is liable on conviction in a fine of five hundred naira or imprisonment for two years or to both such fine and imprisonment.

14. (1) any member of the Committee who—

(a) fails to pay over to the Fund or to otherwise account for, any money paid to his or receive by him for the purposes of the Fund under the provisions of this Law;

(b) converts to his own use or to the use of any other person, any money paid to or received by him tor remittance to the Fund;

(c) conspires with any other person to commit any offence mentioned in paragraph (a) or (b) of this section, is guilty of an offence and liable on conviction to a fine of one thousand naira or imprisonment for five years or both such fine and imprisonment.

(2) A prosecution under subsection (1) shall not operate as a bar to any civil action that may be instituted by the Committee against any person for recovering any amount under this Law.

15. (1) The State Committee may make regulations—

Regulations

(a) providing for meetings including the quorum, rules and other matter connected with the meetings of a Community Committee or State Committee;

(b) prescribing the books, record and accounts which shall he kept or maintained by the Committee, and the manner of keeping or maintaining them;

(c) providing for the inspection or auditing of the books, records and accounts of the Committee;

(d) providing for the manner of making remittances to the fund as well as for paying over any amount remaining in the Fund to the revenue of that State;

(e) providing for the time and manner or rendering returns by the Committee;

(f) providing for the form or manner of objecting to a demand for any payment or appealing to the State Committee.

(g) providing generally for the effective earning out of the purposes and provisions of this Law

(2) Until any regulations are made by the State Committee pursuant to subsection (1), the provisions of this Law shall be enforced in such manner as the Governor may from time to time direct.

SCHEDULE
FORM A
DEMAND FOR PAYMENT

[Section 9 (2)]

The Community Development Fund Committee
in..... Community has determined that
you pay to the Committee for the purpose of the Special Development Fund, the sum
of.....Naira () in respect of the
period.....to.....

2. This is to require you to pay to the Committee or otherwise pay into
the fund the said sum of..... naira () not later than sixty days from
the date hereof.

3. TAKE NOTICE that if you fail to comply with the requirement of
paragraph (2), the Committee shall take appropriate measures under the Fund for
Special Development Law to recover the amount as a debt accruing from you to the
Fund without any further' demand notice to you.

Dated the.....day of.....20.....

.....

Secretary to the Committee

To:

.....
.....
.....
.....

FORM B
NOTICE OF SALE
(Section 10(4))

NOTICE is hereby given that.....

.....

.....

(Description of the Property to be sold)

shall on.....day of.....20.....

at the hour of nine o'clock in the forenoon at.....

.....

(Place of Sale)

Be sold in accordance with the Fund for special Development Law.

Dated at.....the.....day of.....20.....

.....

Bailiff Licensed Auctioneer