

CHAPTER 94

INDUSTRIAL ESTATES MANAGEMENT BOARD LAW

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CHAPTER 94

INDUSTRIAL ESTATES MANAGEMENT BOARD LAW

ANSL CAP 69

*A Law to provide for the establishment, composition, and functions of the
Industrial Estates Management Board*

[27th August 1991]

1. This Law may be cited as the Industrial Estates Management Board Law.

Short title

2. In this Law—

Interpretation

"Board" means the Industrial Estates Management Board established by section 3;

"Chairman" means the chairman of the Board

"Commissioner" means the State Commissioner assigned with responsibility for matters relating to commerce and industry;

"General Manager" means General Manager of the Board;

“Member” means a member of the Board and includes the chairman;

“industrial estate” or “estate” means an estate established in accordance with this Law by the Board to enable person or bodies whether corporate or unincorporate to set up industrial projects in such an estate;

“industrial project” includes small-scale and cottage industries;

“Governor” means Governor of the State;

"Ministry" means State Ministry for the time being having responsibility for matters relating to commerce and industry:

“small-scale industry” has the meaning assigned to that expression in section of the Fund for small-scale Industries Credit Scheme Law;

"State" means Enugu State of Nigeria

3. There is hereby established a board to be known as the Industrial Estates Management Board which shall be a body corporate with perpetual succession and a common seal and with power to sue or be sued in its corporate name and to acquire, hold and dispose of property

Establishment
of Board

Composition
of Board

4.(1) The Board shall consist of—

- (a) a chairman appointed on part-time basis by the Governor;
- (b) two persons appointed on part-time basis by the Governor on the recommendation of the Commissioner,
- (c) the following *ex-officio* members, that is to say—
 - (i) a representative of the Ministry for the time being having responsibility for matters relating to commerce and industry;
 - (ii) a representative of the Ministry for the time being having responsibility for matter relating to finance and economic planning

(iii) a representative of the Ministry for the time being having responsibility for matters relating to works, lands and transport; and

(iv) the General Manager.

(2) Persons who may be appointed members shall be persons who appear to the Governor or, as the case may require, the Commissioner to have wide knowledge and experience in any of the following fields, and who can represent those fields in the Board, namely—

(a) estate management;

(b) industrial matters; and

(c) accountancy.

5. (1) Subject to the pleasure of the Governor, a member not being an *ex officio* member shall hold office for such period not exceeding four years as may be specified in the instrument or letter by which he is appointed;

Provided that every such member shall be eligible for re-appointment;

(2). Notwithstanding anything contained in the instrument or letter by which he is appointed, a member may, by writing under his hand addressed to the Governor, resign his appointment and upon the acceptance in writing by the Governor of that resignation, the appointment shall forthwith determine.

6. There shall be paid to the members such remuneration or allowances as the Governor may prescribe.

7. Subject to this Law the Board is charged with the following functions, this to say—

(a) to establish industrial estates in such parts of the State as the Board. with the approval of the Governor. may determine to estates;

(b) to encourage or promote the establishment in industrial estates by persons or bodies whether corporate or unincorporate. of industrial projects;

(c) upon such terms and conditions as it may determine, to give or render to any person or body of persons whether corporate or unincorporate, upon request. such professional

Function of
Board

Tenure
of office
of
members

Function
of Board

advice, assistance or services as relate to the establishment, reactivation, expansion or modernization of industrial projects.

(d) to do all such things as are in its opinion, necessary for or conducive to, the proper discharge of its functions under this Law and. in particular.

(i) to undertake the designing, planning, development, construction and management of industrial estates, either alone or in association or partnership with other persons, companies. corporations or bodies

(ii) to provide and maintain roads, foot-ways, drains, sewers and water courses for. or in connection with an industrial estate;

(iii) to acquire, construct. maintain or repair works, plant or apparatus, necessary or desirable for the provision of electrical, water or sanitary services for or in connection with an industrial estate;

(iv) with the approval of the Commissioner, to enter into an agreement with a person or body of persons whether corporate or unincorporate for the management by that person or body of an industrial estate;

(v) to prohibit, control and regulate the presence of a person or vehicle or thing in or about an industrial estate;

(vi) to charge rent or fee for the use of an industrial estate or any other property owned by the Board.

8. The Board shall have power—

(a) with the approval of the Commissioner—

(i) to invest moneys standing to the credit of the Board in securities and other investments:

(ii) to acquire lands and

(b) to supplement its funds, by engaging in any lawful profit making enterprise or business allied to the functions of the Board under this 1 aw.

Contractual
powers of
Board

9. (1) The Board may enter into such contracts as may be necessary or expedient for giving effect to the provisions of this law

(2). Any contract or instrument which it entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Board by any person generally or specifically authorized by it for that purpose

(3) Any member who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall as soon as he becomes aware of the existence of such contract or arrangement forthwith disclose his interest to the Board and shall not vote on any question pertaining to such contract or arrangement

Meetings

10.(1) The Board shall hold meetings as and when the need arises

Provided that there shall be at least one meeting of the Board in any period period of three months.

(2) The Chairman shall preside at any meeting of the Board and where he is absent from a meeting, the-members present shall elect one of their member to preside at that meeting

(3) A person presiding at any meeting of the Board when the Chairman is absent shall for that meeting have all the rights and exercise the powers of a Chairman.

(4) The Board shall regulate its own proceedings

(5) At any meeting of the Board the Chairman and three other members shall form a quorum, but if the Chairman is absent from the meeting any four members shall form a quorum.

11. The validity of the proceedings of the Board shall not be affected by any vacancy among the members or any irregularity in the appointment of a member.

Validity of
Board
proceedings

12. Whenever the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt such person to attend any of its meetings and such person while so co-opted shall be entitled to participate fully in the deliberations at the meeting except that he shall not be entitled to vote upon any question.

Power to
co-opt

13.(1) The Governor shall appoint a fit and suitable person to be the General Manager.

Appointment
and functions
of General
Manager

(2) The General Manager shall-

(a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of all functions of the departments of the Board.

(b). be responsible for the proper management of all the business of the Board, the upkeep and preservation of the property of the Board as well as the overall supervision of staff matters.

(3) The General Manager shall carry out such functions as may be delegated to him by the Board from time to time.

(4) The General Manager shall be a member of the Board.

14.(1) The Board may with the approval of the Commissioner, appoint a fit and proper person to be the Secretary of the Board

Secretary

(2) It shall be the duty of the Secretary —

(a) to conduct the correspondence of the Board and keep record of such correspondence.

(b) to take and keep record of the proceedings of the Board;

(c) to take charge of and keep the seal of the Board; and

(d) to perform such other duties as the Board or the General Manager may assign to him.

15. The Board may, with the approval of the Governor, appoint such staff or agents as it may require for the discharge of the Board's functions under this Law.

Other
staff

16. The Board may, with the approval of the Commissioner, make regulations generally relating to the scheme and conditions of service of the staff of the Board and. subject thereto may in particular make regulations for-

(a) the appointment, dismissal, discipline, remuneration and leave entitlement of the staff;

Staff
Regulations

- (b) appeals by such staff against dismissal or other disciplinary measures:
- (c) the retiring benefits of the staff and their dependants.
- (d) the grant of loans to the staff, and
- (e) the welfare and other benefits of the staff

Commissioner's
direction

17.(1) The Commissioner may give to the Board directions of a general character with regard to the exercise by the Board of its functions under this Law. and it shall be the duty of live Board to comply with such directions.

(2) The Board shall furnish the Commissioner with such information and returns relating to the activities or proposed activities of the Board or of other bodies by whom activities are carried on with the assistance of or in association with the Board (being information which is in the possession of the Board or can reasonably be obtained by the Board or being returns providing such information) as the Commissioner may from time to time require, and shall afford to the Commissioner facilities for the verification of information furnished by it in such manner and not such times as the Commissioner may require

Funds of
Board

18. The funds of the Board shall consist of—

- (a) such moneys as may from time to time be appropriated by the Government or the Federal Government or any of their agencies for the purposes of the Board;
- (b) moneys derived from the business operations of the Board;
- (c) moneys raised by loan under the powers of borrowing vested in the Board by this Law.
- (d) all charges made and fees received by the Board;
- (e) such interests as may accrue from investments made by the Board;
- (f) moneys accruing to the Board by way of endowment, grants donations, gifts or otherwise.
- (g) such other sums of money as may in any manner become payable to or vested in the Board in connection with its functions under this Law

19. The funds of the Board shall be applied by the Board in pursuance of its functions under this Law

Application
of funds

20 The Board shall not later than the 30th day of November in each year, prepare and submit to the Ministry estimates of the income and expenditure of the Board for the next ensuring financial year.

Annual
estimates

21.(1) Subject to this section, the Board may borrow from sources within Nigeria, sums of money required by it for meeting any of its obligations or discharging its functions

Borrowing
powers

(2) The power to borrow is exercisable with the prior approval in writing of the Governor as to —

(a) the amount of money sought to be borrowed;

(b) the sources of borrowing.

(c) the terms on which the borrowing may be effected.

(3) The approval of the Governor referred to in subsection (2) may be—

(a) either general or limited to a particular borrowing;

(b) subject to such conditions as he may specify;

(4) A person or body lending money to the Board shall not be bound to inquire whether the amount of money to be borrowed is within the powers of the Board

22.(1) As soon as may be after the end of each financial year but not later than the 31st day of March next following, the Board shall—

Reports and
accounts

(a) prepare a general report of its proceedings and activities during the preceding year;
and

(b) transmit to the Governor through the Commissioner that report together with a certified copy of the audited account of the Board.

- (2) The Board shall—
- (a) keep proper books of accounts;
 - (b) keep proper records relating to such accounts; and
 - (c) prepare in respect of each financial year a statement of accounts in a form prescribed by the Permanent Secretary of the State Ministry responsible for matters relating to finance.
- (3) The accounts of the Board shall be audited annually by such firm of auditors as the Board may, with the approval of the Governor, appoint
- (4) The accounts of the Board together with the auditor's report thereon shall in each year be laid before the State Public Accounts Committee.

Limitation
of action
against
the Board

23.(1) No suit against the Board or any member, staff or servant of the Board for any act done or neglect or default which has occurred in the execution or intended execution of any duty or function under this Law shall be brought or instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or in the case of a continuing damage or injury within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Board until one month at least after a written notice of intention to commence the suit shall have been served upon the Board by the intending plaintiff or his agent, and such notice shall clearly and explicitly state

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and places of abode (or of business, if a firm or corporation) of the intending plaintiff; and
- (d) the relief sought by the intending plaintiff.

24. The notice referred to in section 23 and any summons, notice or other document required or authorized to be served upon the Board under the provisions of this Law or any other law may, unless in any case there is express provision to the contrary, be served by —

- (a) delivering the same to the Chairman or Secretary; or

Service of
documents

(b) sending it by registered post addressed to the Secretary at the principal office of the Board.

25. In any suit against the Board, no writ of execution or attachment or other process in the nature of any such writ, shall be issued against the Board but any judgment debt accruing against the Board shall be paid from the funds of the Board.

Restriction
on execution

26.(1) At any stage of the proceedings in any suit, the Board may be represented by—

Representation
in court

(a) a servant of the Board duly authorized in that behalf in writing by the Board; or

(b) a legal practitioner authorized in writing in that behalf by the Board.

(2) For the purpose of sections 23 to 26, “suit” includes action or any civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court but does not include criminal proceedings.

27. The affixing of the common seal of the Board shall be authenticated by the signatures of the Chairman or some other member authorized, either generally or specifically, by the Board to act in his stead for the purpose, and of the Secretary or some other person authorized, either generally or specifically, by the Board to act in his stead for the purpose.

Common seal

28. Any document purporting to be duly executed under the seal of the Board shall in any court received in evidence and shall be deemed to be so executed unless the contrary is shown to be the case.

Proof of
documents

29. The Board may, with the approval of the Governor, contribute to any superannuation fund or other similar scheme for the benefit of the employees of the board.

Pensions and
Gratuities

Regulations

30.(I) The Board may, with the approval of the Governor, make regulations for the effectual carrying out of the provisions and purposes of this Law.

(2) Without prejudice to the generality of the foregoing, regulations made under subsection (1) may provide for —

- (a) classification of industrial estates and the types of facilities and infrastructure to be provided in each class of such estates:
- (b) the terms and conditions for the establishment of industrial projects in industrial estates;
- (c) matters relating to the management and administration of industrial estates:
- (d) rents or fees payable for the setting up of industrial project in, or use for other lawful purposes of, industrial estates:
- (e) such types of industrial projects as may be set up in an industrial estate