



Enugu State of Nigeria Official Gazette

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ENUGU STATE NOTICE NO. 7

APPOINTMENT OF PERMANENT SECRETARY

It is notified that Ezugwu Bernadine Chinyere has been appointed to the post of Permanent Secretary
Ezugwu Bernadine's appointment is with effect from 3rd March 2017

ENUGU STATE NOTICE NO. 8

APPOINTMENT OF PERMANENT SECRETARY

It is notified that Ugomsi Ella Noel O. has been appointed to the post of Permanent Secretary
Ugomsi Ella Noel O's appointment is with effect from 3rd March 2017

ENUGU STATE NOTICE NO. 12

NEW APPOINTMENTS AND OTHER STAFF CHANGES

The Following are notified for general information:-

NEW APPOINTMENT			<i>Date of Promotion</i>
<i>Departments</i>	<i>Name</i>	<i>Appointment</i>	
Public Service	Agbawodike Chioma J	Clerical Officer	1-8-2001
Department, Office of the Head Service	Agbo Roseline N.	Clerical Officer (Revenue)	1-5-1988
	Aneke Mariet Wendy	Higher Exec. Officer (GD)	1-6-2011
	Ani Bethrand Onyibani	Asst. Exec. Officer	16-4-1986
	Ani Paschal C.	Executive Officer	1-6-2011
	Anike Emmanuella U.	Clerical Office (GD)	1-1-1994
	Any Joy C.	Environ. Health Field Offr.	1-5-1988
	Chinwetalu Esther U.	Clerical Office (GD)	



ENUGU STATE OF NIGERIA
2015, No. 5

A law to Establish the Enugu State Investment Development Authority and to provide for Other Matters Related Thereto.

Title.

Be it enacted by the House of Assembly of Enugu State of Nigeria as follows

Enactment.

-PART 1 – PRELIMINARY

1. This law may be cited as the Enugu State Investment Development Authority Law, 2015, and shall be deemed to come into effect on **17th day of December, 2015.**
2. In this law, unless the context otherwise requires –
 - “Auditor General” means auditor general of the state;
 - “Authority” means the Enugu State Investment Development Authority Established under Section 3 of this law;
 - “Beneficiaries” means the people that will benefit from the job created, training and welfare packages;
 - “Board” means the board established under section 5 of this law;
 - “Capital” means all cash contributions, plant, machinery, equipment, building, spare parts, raw materials and other business assets.
 - “Chairman” means the chairman of the board;
 - “Company” means a business organization that makes money, producing or selling goods or services and works;
 - “Development” means the state in which things are improving;
 - “Enterprise” means an industry, project, undertaking or business owned by a Nigerian or non-Nigerian in partnership with the authority or an expansion of that industry, undertaking, project or business;
 - “Firm” means business organization other than a corporation or company.
 - “Government” means the government of Enugu State;
 - “Governor” means the Governor of Enugu State;
 - “Investment” means expenditure made to acquire an interest in a development project operated within the economy of Enugu state of Nigeria
 - “Managing Director” means the Chief executive officer of the authority;
 - “Member” means a member of the authority appointed pursuant

Citation and date of commencement.

Interpretation.

to section 5 of this law;

“Negative list” means the list of those sectors of investment prohibited to both foreign and Nigerian investors:

“State” means Enugu State of Nigeria

“Suit” means action or any civil proceedings commenced by a writ of summons but do not include criminal proceedings -

PART 2 – ESTABLISHMENT OF ENUGU STATE INVESTMENT DEVELOPMENT AUTHORITY

- | | | |
|----------------------------|--------|---|
| Establishment of Authority | 3. (1) | There is established an authority to be known as the Enugu State Investment Development Authority |
| Body Corporate | (2) | The Authority shall be a body corporate with perpetual succession and common seal; and may sue and be sued in its corporate name. |
| Nature and Domiciliation | (3) | The authority shall be a specialized portfolio of the Enugu State Government for the mobilization, attraction and deployment of private sector equity investment including local and foreign direct investment (FDI) into strategic and high impact development projects in Enugu State in order to secure high level of Economic, infrastructural and human development. |
| | (4) | The authority shall be a cabinet rank portfolio under the authority of the Governor, domiciled in the office of the Governor and shall be headed by a Managing Director who reports directly to the Governor. |
| Structure of the Authority | 4. | The Authority shall have the following structures - |
| | (1) | Board of Directors and Administrative Structure. |
| Board of Directors | 5. (1) | The affairs of the Authority shall except where otherwise stated, be conducted by the Board of Directors of the Authority which shall consist of - |
| | (a) | A person from the private sector who shall be knowledgeable and experienced in matters relating to investment promotions. |
| | (b) | Managing Director of the Authority; |
| | (c) | One representative of each of the following, who shall not be below the rank of a Director; |
| | (i) | Ministry of Commerce and Industry; |
| | (ii) | Ministry of Culture and Tourism; |
| | (iii) | Ministry of Lands and Urban Planning; |
| | (iv) | Ministry of Agriculture; |
| | (v) | Ministry of Finance; |
| | (vi) | Ministry of Capital Territory; |
| | (vii) | Ministry of Youth and Sports; |
| | (viii) | Ministry of Works; |
| | (ix) | Ministry of Justice; and |
| | (x) | Economic Planning. |
| | (d) | Three (3) other persons from the private sector to be appointed by the Governor. |

6. The Managing Director shall be appointed by the Governor, who shall be its Chief Executive Officer and shall, subject to this Law, be responsible for the execution of the policy of the Authority and the day- to- day running of the Authority's activities and its associated services. Managing Director.
7. The Authority shall with the approval of the Governor appoint a Secretary to the Authority of a rank equivalent to a Deputy Director in the Civil Service of the State, who shall not be a member of the Board and who shall keep the records and conduct the correspondence of the Board and perform such other duties as the Chairman or Managing Director may from time to time direct. Secretary.
8. (a) All members of the Board with the exception of the managing director and the Secretary shall be appointed to serve as part-time members for a period of four (4) years and may be re-appointed for another term of four (4) years and no more. Tenure of Office and Remuneration of Members.
(b) There shall be paid members such remuneration and allowances as the Governor may determine.
(c) At any time resign his office in writing addressed to the Governor and may be removed from office by the Governor; and
(d) Be paid such allowances as may be determined by the State Government.
9. The quorum of the Board shall be the Chairman or the person presiding at the meeting and five other members and the quorum of any committee of the Board shall be as determined by the Board. Quorum.
10. The Board may meet at least four times a year and or as the need arises. For every routine meeting, the Secretary shall give a notice of not less than ten days. Frequency of Meeting.
11. Where the Board desires to obtain the advice of any person on particular matter, the Board may co-opt such a person for such number of its meetings as it deems fit and a person so co-opted shall have all the rights of a member except the right to vote to count towards a quorum. Co-option of Experts.
12. Subject to the provision of this section, the Authority may, with the approval of the Governor from time to time, make standing orders providing for the conduct of its business. Standing Orders.

PART 3 – FUNCTIONS OF THE AUTHORITY

13. The Authority shall encourage, deploy, co-ordinate and promote private sector equity investment in the state and accordingly, shall - Functions of the Authority
- (a) be the authority of the Enugu State Government to co-ordinate and monitor all private sector equity investment activities to

- which this law applies;
- (b) initiate and support measures, which shall enhance the investment climate in Enugu State, for both Nigerian and foreign investors;
 - (c) enter into Partnership with private investors to setup businesses that can help in job creation, human development and also generate profit and revenue for the authority;
 - (d) initiate, organize, and participate in local and international associations that shall facilitate the marketing of Enugu State as a world-class destination for businesses, trade and investment;
 - (e) identify development gaps and needs in Enugu State and mobilize or deploy private development to fill such gaps;
 - (f) set up training centers for industrial purposes and capacity building;
 - (g) keep records of enterprises to which this law applies;
 - (h) maintain liaison between private sector investors in Enugu State and ministries, government departments and agencies with respect to development investment in the state;
 - (i) evaluate the impact of the authority in foreign direct investments (FDI) in Enugu State and make appropriate recommendations;
 - (j) establish mechanism that will guarantee investor safety, interest, properties and assets;
 - (k) advise the Enugu State Government on policy matters including fiscal measures designed to promote rapid industrialization of the state or the general development of the economy;
 - (l) the authority shall when and where necessary play the role of developer in high impact projects initiated by the authority and shall, by so doing, engage and coordinate the relevant consultants professional services, activities, etc. towards the realization of such projects;
 - (m) participate in the negotiation of investment promotion and protection agreements (IPPA);
 - (n) perform other functions as are supplementary or incidental to the attainment of objectives of this law; and
 - (o) register and keep records of the beneficiaries to which this law applies.



Power of the
Authority.

14. The Authority shall have power to carry out its functions under this Law including and without limiting the generality of the power -
- (a) to invest in business that can help in job creation, human development and to generate profit and revenue for the Authority;
 - (b) to enter in to partnership or contract with any company, firm or person which in opinion of the Authority will facilitate discharge of the said functions;
 - (c) to do all things which by this law or any other enactment are required or permitted to be done by the Authority; and
 - (d) to do such other things as are necessary or expedient for the performance of its functions under this law.

PART 4 – MANAGEMENT AND STAFF OF THE AUTHORITY

Creation of

- 15 The authority may, create several departments as it may require

- for the discharge of its functions under this law. Departments.
16. (a) The Heads of the department shall be appointed by the Authority on such terms and conditions as the Authority may specify. Appointments of heads of Departments
(b) A Head of department shall head each of the departments.
17. (1) The Heads of Department shall; Functions of heads of Departments
(a) Perform the functions relating to their respective departments;
(b) Report to the Managing Director; and
(c) Perform other functions as may be assigned to them by the Managing director.
18. (1) The Authority shall have power to appoint staff through direct recruitment, transfer or secondment from any relevant ministry, department and agency of the Enugu State Government, such number of employees as may, in the opinion of the board be required to assist the authority in the discharge of any of its functions under this law and the staff of the authority shall be public officers as defined in the Constitution of the Federal Republic of Nigeria. Powers of Employ
(2) The Authority may engage such consultants and advisers as it may require for proper and efficient discharge of its functions.
19. The Authority may, subject to the provisions of this law, make staff regulations relating generally to the conditions of service of the employees of the authority and without prejudice of the generality of the foregoing, such regulations may provide for: - Self Regulations
(a) The appointment, promotion and disciplinary control (including dismissal of employees of the authority)
(b) Appeals by such employees against dismissal or disciplinary measures.
20. (1) The Authority may appoint one or more committees to carry out, on behalf of the authority, such of its functions as the authority may determine Committees
(2) A committee appointed under this paragraph shall be such number of persons (not necessary members of the authority) as may be determined by the authority; and a person other than a member of the authority shall hold office on the committee in accordance with the terms of his appointment.
(3) A decision of a committee of the authority shall be of no effect until it is confirmed by the authority.
21. The Authority shall determine its conditions of service, including pension and gratuities, as appropriate for its employees. Conditions of Services

PART 5 – FINANCIAL PROVISIONS

- 22 (1) The Authority shall establish and maintain a fund from which Funds of Authority.

shall be defrayed all expenses incurred by the Authority's duties and functions under this law.

- (2) The fund established under subsection (1) of this section shall consist of—
- a. such sums as may from time to time, be granted to the Authority by the state Government under monthly subventions and budgetary allocations;
 - b. all management fees payable to the authority in pursuance of this law;
 - c. all moneys accruing to the Authority by way of endowment, grant, gifts, donations or sources other than loans or credit;
 - d. all interest on money invested by the Authority;
 - e. all other sums of money or property which in any manner payable to or invested in the Authority in respect of any matter incidental to its functions.
- (3) The funds as established under this section shall be paid into designated banks.

Power to
Accept Gifts.

- 23.(1) The Authority may accept gifts of land, other property on such terms and conditions, if any, as may be specified by the persons or organization making the gift.
- (2) The Authority shall not accept any gift if the conditions attached by the person or organization are inconsistent with the functions of the Authority.

Borrowing Power.

- 24.(1) The Authority may, with the consent or in accordance with any specific authority given by the Governor of Enugu State borrow by way of loan or overdraft from any source approved by the Governor, such specified amount of money as may be required by the Authority for meeting its obligations and discharging its functions under this law.
- (2) The Authority may, subject to the provisions of this law and the conditions of any trust created in respect of any property, invest all or any of its funds with the consent or general authority of the Governor.

Cap. 49 LFN.

- (3) The Authority may invest any surplus funds in securities prescribed by the Trustee Investment Act or the Governor may from time to time, approve such other securities.

Cap. 202 LFN.

- (4) Subject to the provisions of the Land Use Act, and any special or general direction, which the Governor may give in that behalf, the Authority may acquire or lease any land required for its purpose under this law.

Annual Estimates,
Account and Audit

- 25.(1) The Authority shall cause to prepare not later than 30th September in each year an estimate of the expenditure and income of the Authority during the next succeeding year and when prepared

they shall be submitted through the Managing Director for approval by the Governor.

- (2) The Authority shall cause to keep proper accounts and record in relation thereto and when certified by the Authority, such accounts should be audited as provided in subsection (3) of this section,
- (3) The accounts of the Authority shall be audited by auditors appointed from the list of auditors in accordance with the guidelines issued by the Auditor- General for the State and fees of the auditors and the expenses for the audit generally shall be paid from the funds of the Authority.
- 26.(1) The Authority shall not later than six months after the end of each year, submit through the managing director a report on the activities of the Authority and its administration during the immediate preceding year and shall include in the report the audited accounts of the Authority and auditors comments thereon.

Annual report
to the Governor .

PART 6 – PROVISIONS RELATING TO INVESTMENT AND REGISTRATION

27. Except as provided in section 31 of this law, any Nigerian or any non-Nigerian may partner with the Authority in the operation of any private sector equity investment in Enugu State. Development Projects and Enterprises Eligible for Partnership.
28. The provisions of this law shall not apply to enterprises in the “negative list” as defined in section 2 of this law or development projects that may seem to relate or promote such enterprises. Application of this Law.
29. Subject to this law, a person or organization who intends to establish partnership in development projects or enterprises, with the Authority, to which this law applies, shall do so in accordance with the Provisions of the Companies and Allied Matters Act. 1990 Establishment of Partnership in Development and Enterprises CAP. 59 LFN.
30. Any private sector investment including direct investment in development projects to which this law applies shall, after its approval, be registered with the Authority. Registration of Investment Portfolio with the Authority.
- 31.(1) A private investor may buy the shares of any development project or enterprise in any convertible foreign currency. Purchase of Shares of Development Project or Enterprises .
- (2) The purchase of the shares of any development project or enterprises authorized under sub-section (1) of this section shall be completed through application to the Authority.
32. For the purpose of attracting, promoting identified strategic or major private sector in high impact development projects or enterprises the Authority shall in consultation with appropriate Government agencies, negotiate specific incentive packages for the promotion of investment as the Authority may specify. Incentives for Investment in High Impact Development Project or Enterprises.

- Priority area 33. (1) The Authority may produce guidelines and procedures, which specify priority areas of development of investment and prescribe applicable incentives and benefits. The incentives and benefits shall be in conformity with Government policy.
- (2) Guidelines and procedures produced under sub-section (1) of this section shall be signified under the hand of the managing director.
- Investment Guarantees, Transfers of Capital Profit and Dividends. 34. Subject to this section, a private sector investor in a development project or enterprise to which this law applies shall be guaranteed unconditional transferability of funds through any authorized dealer in freely convertible currency, of-
- (a) dividends or profits (net of all taxes) attributable to the investment;
- (b) payment in respect of loan servicing where a foreign loan has been obtained; and
- (c) the remittance of proceeds (net of all taxes), and other obligations in the event of a sale or liquidation of the development project or enterprise or any interest attributable to the development investment fund.
- Guarantees against Expropriation. 35. (1) Subject to sub-sections (2) and (3) of this section-
- (a) No development project or enterprise shall be nationalized or expropriated by the state;
- (b) No person or investor in partnership with the Authority, who owns, whether wholly or in part the capital of any development project or enterprise shall be compelled by the law to surrender his interest in capital to any other person.
- (2) There shall not be any acquisition of a development project or enterprise to which this law applies by the State unless the acquisition is in the national interest or for a public purpose and under a law which makes provision for-
- (a) payment of a fair and adequate compensation; and
- (b) right access to the courts for the determination of the investor's interest or right and the amount of compensation, which he is entitled.
- (3) Any compensation payable under this section shall be paid without undue delay and authorization for its repatriation in convertible currency shall where applicable be issued.
- Dispute Settlement Procedure. 36. (1) Where a dispute arises between an investor and State Government in respect of a development project or enterprise to which this law applies, all efforts shall be made through mutual discussion to reach an amicable settlement.
- (2) Any dispute between an investor and State Government in respect of a development project or enterprise to which this law applies which is not amicably settled through mutual discussions may be submitted at the option of the aggrieved party for arbitration as



follows -

(a) In the case of a Nigerian investor, in accordance with the rules of procedure for arbitration as specified in the arbitration and reconciliation act.

(b) In the case of a foreign investor, within the framework of any bilateral or multilateral agreement on investment protection to which the State Government and the country of which the investor is a national, the dispute settlement will be agreed by both parties.

(3) Where in the respect of any dispute, there is a disagreement between the investor and the authority or Government as to the method of dispute settlement to be adopted, the International Centre for settlement of investment disputes rules shall apply.

37. Any foreign person or investor desirous of establishing an enterprise in Enugu State but not in partnership with the Authority shall submit an application to the Authority for consideration and assistance. Application for Establishment of an Enterprise.

38. The Authority shall, subject to section 38 of this law provide such foreign person or investor with such assistance and guidance as may be required and shall act as liaison between the foreign person or investor and the relevant Government departments, agencies and such other public authorities. Assistance to the Enterprise.

39. The Governor may by order make such transitional provisions as appear to him necessary or expedient to give full effect to the provisions of this law. Transitional Provisions.

PART 7 – MISCELLANEOUS

40.(1) The fixing of the seal of the authority shall be authenticated by the signature of the Managing Director or any person specifically authorized to act for that purpose by the Authority. Miscellaneous.

(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 Authority by the Managing Director or any person specifically authorized to act for that purpose.

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

41. No suit against the Board or any member or staff of the Board for any act done or omission made in pursuance or execution of any of the Boards duties shall be instituted in any court unless it is commenced within three (3) months after the act, neglect or default complained of or in the case of continuance of damage or Limitations of Actions.

- injury within three months next after ceasing thereof.
- Pre-action Notice 42. No suit shall be commenced against the Board until one month after written notice of intention to commence the same shall have been served on the Board by intending plaintiff or his agent and such notice shall clearly state the cause of action, the particulars of the claims, the name and place of abode of the intending plaintiff and relief which he claims.
- Services of Processes. 43. The notice referred to in section 43 of this law and any other notice or Summons or other documents, which may be served on the Authority under the provision of this law or any other law may unless in any case there is express provision to the contrary be served by delivering the same to the Secretary or by sending it by registered post addressed to the Secretary.
- Obstruction of the Authority's Activities. 44. Any person or organization which willfully obstructs or impedes the Authority or any person who acts under the power of the Authority in the exercise of any powers under this law commits an offence and is liable on conviction to a fine not exceeding N50, 000.00 (Fifty Thousand Naira) or imprisonment for a term of six months or both.
- Compensation for Damage. 45. The Authority may with the approval of the Board provide for a reasonable compensation for loss or damage arising from the use of any equipment, facility or personnel required under this law.
- Directives from The Governor. 46. Subject to provisions of this law, the Governor may give directives to the Authority of general nature relating generally to matters of policy with regard to the performance of its functions.
- Power to Make Regulations 47. The Authority may with the approval of the Governor make regulations generally for the purpose of giving full effects to this law.
- PART 8 – JURISDICTION OF THE COURT**
- Jurisdiction of the Court 48. Only the High Court of the State shall have the original jurisdiction to hear, grant any application brought under this law.

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly of Enugu State of Nigeria, and is found by me to be a true and correctly printed copy of the said Bill.

UBOSI EDWARD UCHENNA
Speaker of the house of Assembly

CHRISTOPHER AMADI CHUKWURAH
Clerk of the House

ASSENTED to this 15th day of January, 2016.



RT. HON. IFEANYI UGWUANYI
Governor of Enugu State