

KWARA STATE RESIDENTS REGISTRATION BILL, 2020

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A BILL

FOR

A LAW TO ESTABLISH THE KWARA STATE RESIDENTS
REGISTRATION AGENCY AND TO MAKE PROVISION FOR THE
REGISTRATION OF KWARA STATE RESIDENTS WITH THE OBJECT
OF PROVIDING RESIDENCY CARDS FOR ALL RESIDENTS, THEREBY
CREATING A RELIABLE DATABASE FOR PLANNING AND FOR
CONNECTED PURPOSES.

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Date of
Commencement

The Kwara State House of Assembly enacts:

1 (1) There is established the Kwara State Residents Registration Agency (in this law referred to as the "Agency").

Establishment
of the Kwara
State
Residents
Registration
Agency.

(2) The Agency -

(a) shall be a body corporate with perpetual succession and a common seal;

(b) may sue or be sued in its own name; and

(c) may acquire, hold and dispose of any property or interest in property, movable or immovable for the purpose of carrying out its functions under this Law.

2. The functions of the Agency shall be-

Functions of
the Agency.

(a) to create a reliable database of all residents in the State with a view to providing useful data for planning, security, social welfare, employment, financial services, housing, demography, education, health and related matters;

(b) to establish the relevant infrastructure for the creation of a residents' information database for every resident of the State with a view to:

(i) producing residency cards for all qualified residents of the State,

(ii) ensuring easy identification of residents;

(c) to produce guidelines for bio-metric data to be contained in the registration form; and

(d) to advise the government on mode of collecting residents' data from the general public.

3. (1) There is established for the Agency a Governing Board consisting of:

a) a Chairman, to be appointed by the Governor;

(b) Executive Chairman, Kwara State Internal Revenue Service;

(c) a representative of the Ministry of Finance, Budget and Planning;

(d) Permanent Secretary, Ministry of Local Government, Chieftaincy Affairs and Community Development;

(e) Director General, Bureau of Statistics;

(f) One member each from the three Senatorial Districts in the State, one of whom shall be a woman, to be appointed by the Governor; and

(g) The General Manager of the Agency.

(h) The Secretary

(2) All members shall be part-time members except the General Manager and Legal Officer.

4. (1) Members of the Board other than ex-officio members shall hold office for a period of four years which may be renewed once only.

Establishment
and composition
of the Board.

Tenure and
remuneration of
Board members

(2) (a) Any member may resign his appointment at any time by notice in writing under his hand addressed to the Governor.

(b) If a member dies or resigns or otherwise vacates his office before the expiration of the term for which he is appointed, the Governor shall appoint a fit and proper person for the remainder of the term of office, and the successor shall represent the same interest.

(3) There shall be paid to members other than ex-officio members, such emoluments, allowances and benefits as the Governor may from time to time determine.

5. (1) The Board shall meet at least once a quarter at such place and time as may be approved by the Chairman.

Meetings of the Board.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present at the meeting shall appoint one of them to preside.

(3) The quorum at any meeting of the Board shall be five members.

(4) All questions at any meeting of the Board shall be determined by a majority vote of members present. Where there is equality of votes, the Chairman or member presiding shall have a casting vote.

(5) Where the Board desires to obtain advice or any special information from any person on any matter, the Board may co-opt such person as a member for a limited period, and such person shall have the rights and privileges of a member but shall not be entitled to vote on any issue or count towards a quorum.

(6) The Board shall have power to make Standing Orders regulating its proceedings at meetings.

(7) The validity of any proceeding of the Board shall not be adversely affected by:

- (a) any vacancy in the membership of the Board;
- (b) any defect in the appointment of a member; or
- (c) reason that a person not entitled to do so, took part in the proceedings.

6. (1) There shall be an officer of the Agency to be known as the General Manager who is the Chief Executive Officer of the Agency, to be appointed from the Civil Service or outside the Civil Service by the Governor on the recommendation of the Board.

Office of
General
Manager

(2) Where such appointment is made from within the Civil Service, the General Manager shall be an officer not below Grade Level 15.

(3) Where such appointment is made outside the Civil Service, the General Manager shall be of requisite qualification as deemed appropriate by the Governor.

(4) The General Manager shall be responsible for the day-to-day management of the Agency in accordance with the objectives and targets set by the Board, and shall hold office for a term of five years renewable once only.

7. (1) There shall be a legal officer for the Agency to be seconded from the Ministry of Justice who must not be below Grade Level 12, and who shall also be the Secretary to the Board.

The Legal
Officer

(2) The Legal officer shall be an ex-officio member of the Board with no voting rights in Board decisions.

(3) The Legal Officer shall be responsible for-

- (a) the legal functions of the Service and administration of the Board's Secretariat;
- (b) keeping the books and proper records of the proceedings of the Board;
- (c) conveying decisions of the Board to its members;
- (d) issuing notices of meetings of the Board; and
- (e) carrying out such duties as the Board may direct.

8. (1) The Agency may subject to the approval of the Governor from time to time appoint other employees as it may deem necessary, to effectively perform its functions under this Law.

Staff of the Agency.

(2) The Agency may engage the services of Consultants and Advisers in areas where the Agency has technical deficiency.

(3) The Agency may make staff regulations relating generally to the conditions of service of its employees.

(4) Pending the publication of staff regulations in subsection (3), the employment of Staff of the Agency shall be governed by the terms and conditions generally applicable to officers in the Public Service of the State.

(5) The staff regulations issued by the Agency under subsection (3) shall not have effect until approved by the Governor and published in the Gazette.

9. (1) As from the Commencement of this Law, every person residing in the State shall register with the Agency within six months.

Registration of residents.

(2) Any person who moves into a long term accommodation in the State after the commencement of this Law shall within thirty days of moving into the accommodation register with the Agency

(3) A resident whose name or address changes after registration shall notify the Agency of the change within three months.

(4) Every owner, landlord, or head of household in the State shall notify the Agency of any new resident in their premises and shall inform the person of the need to register with the Agency.

(5) Registration shall be continuous and the Residency Card shall be renewed by the holder every five years.

10. The Agency shall issue a Certificate of Registration immediately upon registering a resident and the certificate shall be replaced by a Residency Card within 90 days.

Certificate of
Registration

11. The Agency shall establish registration centres across all the Local Government Areas in the State and in any other place it considers necessary to facilitate ease of registration.

Registration
centres

12. (1) No officer of the Agency, partner, consultant, or service provider shall disclose any information or data submitted or filed with the Agency without due authorisation;

Unauthorised
disclosure of
information.

(2) The Agency shall put in place necessary machinery to protect all the information/data submitted and filed with it.

13. The Agency shall establish and maintain a fund which shall consist of and to which shall be credited-

Fund of the
Agency

(a) funds appropriated by the House of Assembly for the Agency;

(b) all other sums accruing to the Agency by way grants, gifts, testamentary dispositions, endowments bequests and donations made to the Agency;

(c) income from any investment or other property acquired by or vested in the Agency, and

(d) such other sums as may accrue from time to time to the Agency.

14. (1) The Agency shall, not later than 30th June in each year, submit to the Governor through the Commissioner estimates of its expenditures and income (including estimates of expected payments into the Fund) during the next succeeding year.

Annual Estimates,
Account and Audit

(2) The Agency shall keep proper accounts in a form which conforms to accepted accounting standards, and proper records in relation thereto.

(3) The accounts of the Agency shall be audited after each financial year by external auditors appointed by the Board from a list of auditors provided by the Auditor General of the State.

15. The Agency shall, not later than 30th April in each year, submit its Annual Report to the Governor through the Commissioner, which shall include details of the activities of the Agency and its administration during the preceding year and the audited accounts of the Agency.

Annual
Report

16. The Agency may accept any gift, technical assistance, donations of land, money or other property from any person if the terms and conditions are not inconsistent with this law or public policy.

Power to accept
gifts.

17. (1) For the purpose of carrying out the functions conferred on the Agency under this Law, the General Manager, or any employee of the Agency duly authorised in that behalf;

Right of access
to information.

(a) shall have a right of access to all accommodation, data and information on any person in the State;

(b) may, by notice in writing, served on any person, require such person to furnish or cause to be furnished personal information or other similar information held by or available to such persons, on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within the period specified in the notice or where no period is specified, within a reasonable period.

18. The Agency may subject to the approval of the Governor make regulations for the carrying into effect the provisions of this Law.

Power to make regulations

19. The Governor may give the Chairman such directives of a general nature or relating to generally matters of policy with regards to the exercise of the Agency's functions as he may consider necessary and it shall be the duty of the Agency or the Chairman to comply with the directives or cause them to be complied with.

Directives of the Governor

20. Any person who;

Offences

(a) interferes with, obstructs or prevents any authorised officer of the Agency in the exercise of any of the powers conferred by this Law;

(b) fails to comply with any enquiry or requirements made by an authorised officer in accordance with the provisions of this Law;

(c) fails to register in accordance with Section 8 of this Law,

commits an offence and shall be liable upon conviction to a fine not exceeding N100,000.00 or imprisonment for a term not exceeding six months or both.

21. (1) No suit shall be commenced against the Agency before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served upon the Agency at its head office and the notice shall explicitly state-

Limitation of suits

(a) the cause of action;

(b) the particulars of claim;

(c) the name and place of abode of the intending claimant; and

(c) the reliefs claimed.

(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

22. The fixing of the Common Seal of the Agency shall be authenticated by the signature of the General Manager or such other member authorised generally or specially by the Board:

(1) Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Agency by the General Manager or by any other person generally or specially authorised by the Board.

(2) Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is shown, be presumed, without further proof to have been so signed or sealed.

23. In this Bill, unless the context otherwise requires-

"Board" means the Governing Board of the Agency;

"Commissioner" means the Commissioner responsible for special duties

"Governor" means the Governor of Kwara State;

"long-term accommodation" means renting, owning or living in a room, flat, duplex or dwelling unit for a continuous period of not less than six months;

"member" means a member of the Governing Board and includes the Chairman;

Interpretation

"resident" means a person who resides permanently in a long-term accommodation in the State; and

"State" means Kwara State of Nigeria.

24. This Law may be cited as the Kwara State Residents Registration Bill, 2020. Citation