



Cross River State of Nigeria Gazette

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CROSS RIVER STATE NOTICE NO. 13

Page

The following is published as Supplement to this *Gazette*:

A Law to make provision for the regulation and control of Pool Betting
businesses in the State and for purposes connected therewith **PART C**

C9-C18

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CROSS RIVER STATE OF NIGERIA
EXECUTIVE BILL

Sponsored by: **Hon. Alex Abang Ebu**
Boki I - House Leader

**A BILL
FOR**

A Law to make provision for the regulation and control of Pool Betting businesses in the State and for purposes connected therewith.

Long Title.

(20th August, 2009)

Commencement

BE IT ENACTED by the Cross River State House of Assembly as follows:

Enactment.

1. Upon the commencement of this Law, no person shall carry on the business of Pool Betting in the State except in accordance with the provisions of this Law.

Issue, renewal and revocation of licences

(2) The Chairman may upon application made in the prescribed form accompanied with the appropriate non-refundable fee and on payment of the appropriate licence fee, issue a licence to any person for the carrying on of a Pool Betting business in the State as a Proprietor or as a Pool Agent.

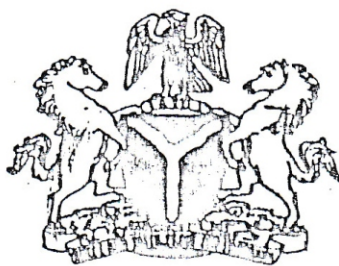
(3) A licence shall be in such form and subject to such general and special conditions as the Chairman may prescribe or impose.

(4) The Commissioner may at any time grant any person exemption from any prescribed condition.

(5) The Chairman may at any time revoke any licence if he is satisfied that there has been a breach of any condition of such licence.

(6) Every licence shall be valid for twelve months from the date of issue and may on payment of the prescribed fee be renewed for a further period of twelve months from the first issue or the last renewal thereof as may be directed by the Chairman; and the issue, renewal, refusal to issue or renew and the revocation of any licence may be undertaken by the Chairman who shall not be required to assign any reason for such issue, renewal, refusal or revocation.

(7) The fee for application, license and renewal shall be as may be prescribed and revised by the Commissioner from time to time.



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Closure of Pool
Office

2. (1) The Chairman may by notice in writing, order the closure of a Pool Betting Office for any period of time if he is satisfied that the licensee thereof is carrying on business in contravention of the provisions of this Law or of the regulations made under this Law or of both.

(2) The notice required by sub-section (1) of this section to be given shall state precisely the grounds for such closure.

(3) A licensee who is aggrieved by the order of the Chairman under sub-section (1) of this section shall first make an objection in writing to the Board requesting the Board to review the order. Where he is not satisfied with the decision of the Board, he may appeal to the High Court against the decision of the Board order.

(4) Any person who, without lawful excuse, reopens any office after its closure under the provisions of this Law when his objection or appeal, if any, has not been determined in his favour commits an offence and liable on conviction to a fine of N100,000.00 or two years imprisonment or both.

Prohibition of
pool betting
without licence

3. (1) No person shall, under any form of pretence or deception or by any device, contrivance or any other means whatsoever, carry on in the State a Pool Betting Business without a licence under this Law and no such person shall print, publish, distribute or cause to be printed, published or distributed in the State any paper or do or caused to be done in the State any other thing for the purpose of the business of Pool Betting or any other purpose incidental thereof.

(2) Any person who contravenes the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of N100,000.00 or two years imprisonment or both.

Placing of stakes
or bets with un-
licensed proprie-
tors etc. prohibi-
ted

4. (1) No staker in the State shall place or cause to be placed any where in the State either on behalf of himself or of any other staker any stake or bet in any pool betting conducted by any person or agent who to the knowledge of such staker has not been issued with a licence under this Law, nor shall any proprietor or his principal agent or other representative issue any coupon to any such person or his agent for the purpose of conducting pool betting.

(2) Any person who contravenes the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of N10,000.00 or six months imprisonment or both.

License
proprietor to
exhibit licence
outside office

5. (1) Every licensed Proprietor shall cause his licence to be exhibited in a conspicuous position within his head office in the State and shall cause to be exhibited in a conspicuous manner outside such office and also outside each of his branch offices within the State, a sign-board

showing the name in which he has been licensed and indicating the fact that such licence has been issued under this Law.

(2) Any Proprietor who fails to comply with the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding N50,000.00.

6. (1) Every Proprietor or Pool Agent desirous of carrying on pool betting business in the State shall register with the Board.

Registration of proprietor and pool agent.

(2) Application for registration of a Proprietor or Pool Agent shall be made to the Chairman in writing in the prescribed form and shall be accompanied with a fee as prescribed by Regulation made by the Commissioner.

(3) Registration shall be subject to such general and special conditions as the Chairman may prescribe or impose.

(4) The Chairman shall, if satisfied that all the conditions have been complied with, issue a certificate of registration.

(5) The Chairman may at any time revoke any certificate of registration if he is satisfied that there has been a breach of any condition of registration.

(6) Unless revoked under sub-section (5) of this section, a certificate of registration shall remain valid for one year from the date of issue and may on payment of N50,000.00 and N15,000.00 for a Proprietor and Pool Agent respectively be reviewed for a further period of one year.

7. (1) Any Proprietor carrying on a Pool Betting business who fails to register or renew his registration in accordance with section 6 of this section commits an offence and liable on conviction to a fine of N500,000.00 or imprisonment for a term of five years or both.

Penalty for failing to register.

(2) Any Pool Agent carrying on a Pool Betting business who fails to register or renew his registration in accordance with section 6 of this section commits an offence and liable on conviction to a fine of N200,000.00 or five years imprisonment or both.

8. (1) Subject to the provisions of this Law, a Proprietor shall pay tax at the rate of N20,000.00 per week on his Pool Betting business.

Poll betting tax.

(2) Every pool winning shall be subject to 5% withholding tax which shall be deducted at source by the Proprietor or Pool Agent and remitted to the Government, through the Board.

(3) The tax imposed on a Proprietor under this section shall be remitted to the Board by such Proprietor in such manner as may be prescribed.

Appointment of principal agent.

9. (1). Where the Head Office of a Pool Betting business is situated outside the State, the Proprietor shall ensure that his checking centres are within the State and shall also appoint or cause to be appointed a Principal Agent who shall reside in the State; and such appointment shall be made within thirty days after the issue to the Proprietor of a licence.

(2) The Proprietor shall furnish the name and address of a Principal Agent appointed pursuant to sub-section (1) of this section to the Chairman.

(3) A Proprietor who defaults in complying with the provisions of sub-section (1) of this section commits an offence under this Law and shall be liable to a fine of N500. 00 for every day after the period specified in sub-section (1) of this section during which the default continues or to imprisonment for six months or both.

Unpaid tax to form a lien or charge, etc.

10. Until paid the tax due from a Proprietor under section 8 of this Law shall form a lien on and a charge upon the entire assets of the Pool Betting business and of the Proprietor or his estate or both and shall have priority over all claims of any other person.

Power or duty of a proprietor to be exercised or performed by a principal agent.

11. (1) For the purpose of this Law any power exercisable by, or duty imposed on, a Proprietor shall be exercised or performed by a Principal Agent appointed pursuant to section 9 of this Law.

(2) The powers conferred or the duties imposed on a Proprietor under the provisions of this Law (except powers or duties which by their nature cannot be exercised or discharged by a Principal Agent may be exercised or discharged by the Principal Agent to such Proprietor if the Proprietor is not resident within the State; and the act or omission of the Proprietor shall be deemed to be the act or omission of such Principal Agent and he may be proceeded against accordingly.

Proprietor to keep records and books of account.

12. (1) Every Proprietor shall keep such records and books of account in respect of Pool Betting business carried on by him in the State as may be required by the Chairman and shall enter therein true and regular accounts of all moneys received by him in respect of such business.

(2) A Proprietor shall, if required so to do by the Chairman by notice in writing, produce for examination, within such time as may be specified in the notice, the books of account referred to in sub-section (1) of this section and any other document relating to the Pool Betting business and shall at all reasonable times give all necessary facilities to any person authorized in that behalf by the Chairman to inspect or audit such books.

Proprietor to render returns to the Board.

13. (1) Every Proprietor shall make such returns to the Board and keep such records as may be prescribed.

(2) Returns made under this Law or any regulations made thereunder shall, for the purpose of this Law, be available only to the Board and to persons authorized by it.

14. (1) Every person applying for the first time after the coming into force of this Law for a licence to operate a Pool Betting business in the State shall at the time of application make or cause to be made a cash deposit with the Board in the sum of N500,000.00 and in addition, give to the Board a banker's guarantee in the sum of N1,000,000.00.

Deposit to be made as security for payment of tax and winnings.

(2) For the purpose of sub-section (1) of this section, whenever the Board applies any cash deposit to meet the liability of a defaulting Proprietor, the Proprietor shall upon notice in writing to him that the cash deposit had been so applied, be liable within ninety days thereafter to make a further cash deposit with a view to raising the balance then outstanding to the original amount of cash deposit required by this Law.

(3) Where a Proprietor who has made or caused to be made a cash deposit and a banker's guarantee fails to remit tax in accordance with the provisions of this Law or any regulations made thereunder or fails to pay to winners proved winnings in respect of any staking made in the State, the Board may, after giving notice in writing to the proprietor, apply the cash deposit in whole or in part to meet the amount due to the Board in the first instance and to winners as at the date of the notice, and where such deposit is insufficient to meet the liability, the Board shall in writing require the banker to satisfy the shortfall in respect of the guarantee given by the banker.

(4) Where a Proprietor ceases to carry on a Pool Betting business in the State, he shall be entitled to a refund of the whole amount of his cash deposit if the cash deposit has not been applied to meet his liability under sub-section (3) of this section or to the balance thereof if the cash has been so applied.

(5) Without prejudice to sub-section (3) of this section the Board may order the suspension from circulation of coupons issued by a Proprietor who fails to pay -

- (a) tax under this Law, or
- (b) proved winnings.

15. Nothing in this Law shall be construed as preventing or precluding a staker from recovering any winning from a Proprietor as a civil debt.

Winning recoverable as civil debt.

16.(1) For the purposes of the Law, the Chairman may by notice in the Gazette appoint a suitable officer of the Board to be an Inspector for such areas as may be specified in the notice.

Inspector.

(2) An Inspector may at all reasonable times enter upon any premises where a Pool Betting business is carried on or where the records relating to the business are kept or where he reasonably suspects that a Pool Betting business is being carried on or such records are kept and inspect, audit, examine such records, documents or books of account or ascertain the amounts recorded as stakers or take copies of entries in the books of account of any Pool Betting business and conduct any other investigation as he may deem fit for the purposes of this Law; and the occupier of such premises shall answer all questions pertaining to these matters, and shall produce such books of account, records or documents as may be required.

(3) The production by an Inspector of an identification card bearing his photograph, name and signed by the Chairman in all Courts and for all purposes of this Law be sufficient evidence of the authority of the Inspector.

(4) No Inspector entering upon any premises for the purposes of this Law shall be liable to be proceeded against in a civil or criminal case or matter for anything reasonably done or omitted to be done by him in the lawful exercise of his powers under this Law.

Obstruction.

17. Any person who obstructs or misleads or attempt to obstruct or mislead or aids or abets any person to obstruct or mislead any Inspector in the performance of his functions, commits an offence and liable on conviction to a fine of N50,000.00 or twelve months imprisonment or both.

Powers to issue search warrants.

18. Any Magistrate who is satisfied on information upon oath that there is reasonable ground to suspect that any person has contravened or is contravening or has failed or is failing to comply with any of the provisions of this Law or any regulations made thereunder may issue a warrant under his hand authorizing any Police Officer or Inspector at any time within one month from the date thereof to enter and search any building or place reasonably suspected as having been or as being used for the purpose of or in connection with the contravention of, or failure to comply with, the provisions of this Law or any regulations made thereunder and to make such inquiries as are deemed necessary, and such person shall produce for inspection by the Police Officer or Inspector named in the warrant, any such books of account, records or documents in his possession or in the building or place and answer any questions relating thereto.

Failure to answer questions or produce books, etc. for inspection.

19. Any person who refuses to answer any question put to him under section 18 of this Law relating to any matter or who fails to produce for inspection any books of account, records or documents in his possession or under his control that he is required to produce for inspection, commits

an offence and shall be liable on conviction to a fine of N10,000.00 or six months imprisonment or both.

20. (1). Any person who without lawful excuse supplies or causes to be supplied any incorrect statement of account or return by omitting or under-stating the amount of money placed as stakes for any period or knowingly gives or causes to be given any incorrect information in relation thereto shall be guilty of an offence and liable on conviction-

False returns.

(a) to a fine of N100,000.00 or twelve months imprisonment or both; and

(b) to a penalty in a sum double the amount by which the tax payable exceeds the tax paid in consequence of such incorrect statement of account or information.

(2) A certificate under the hands of the Chairman stating the amount of tax due from any Proprietor shall be sufficient evidence thereof.

(3) The Chairman may, in respect of any offence under this section and before the matter goes to court compound the offence, and, if the matter has gone to court, with leave of the court at anytime before judgment, stay or compound proceedings there under.

21. (1). Any person who, with intent to defraud or deceive any other person -

Miscellaneous offences.

(a) forces or causes or procures to be forged any coupon or other documents in respect of pool betting;

(b) alters any number, word, entry or mark on any such coupon or document; or

(c) alters or falsifies any accounts or record or makes or connives at the making of any false or fraudulent entry in any such record or account; or

(d) omits or connives at the omission of any material particular from any such account, book, record or document, commits an offence and liable on conviction to a fine of N10,000.00 or six months imprisonment or both.

(2) No person or group of persons shall acquire monopoly of coupons or staking forms of any Proprietor but such coupons shall be issued without onerous restrictions.

(3) Any person or group of persons imposing any unreasonable condition which restricts or is likely to restrict the issue or circulation of coupons to Pool Agents commits an offence and liable on conviction to a fine of not less than N50,000.00 or twelve months imprisonment or both.

Penalty for fraud and evasion of tax.	22. Any person who willfully attempts in any manner to evade or defeat the Pool Betting tax or practices or is concerned in any fraudulent act, contrivance or device whether already specially provided for in a written law or not, with intent to evade the payment of such tax commits an offence and liable on conviction to a fine of N50,000.00 or twelve months imprisonment or both.
Offences by bodies corporate.	23. Where any person convicted of an offence under this Law or under any regulations made thereunder is a body corporate, it shall be liable to the penalties prescribed thereof and in addition, every person who at the time of the commission of the offence being a Director, Chief Executive, Secretary or other Chief Officer of the body corporate consented to the act or omission which constitutes the offence shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
Recovery of Tax by action.	24.(1) Subject to the provisions of this Law, tax may be recovered in a court of competent jurisdiction by action for a debt due to the Government. (2) Proceedings for the enforcement of payment or recovery of tax under this Law may be taken in the name of the Board.
Offences for which penalty not specified.	25. Where an offence is prescribed under this Law and no penalty is prescribed therefore an offender shall, upon conviction, be liable to a fine of N5,000.00 or four months imprisonment or both.
Provisions relating to summary conviction	26. A reference in this Law to a conviction shall be construed as reference to a conviction by a Magistrate's Court and the penalties imposed by or under the provisions of this Law shall be executed or recovered in a summary manner and the said court shall for the purposes of this Law, and except as otherwise provided in this Law, have the necessary jurisdiction.
Regulations.	27. The Commissioner may make regulations generally for the purposes of this Law and, without prejudice to the generality of the fore-going, may in particular make regulations for all or any of the following matters (a) the forms of licences, returns and statements of account; (b) the mode and time for making application for licences and renewal of licences; (c) the fees to be paid for application, registration and the issue and renewal of licences and the subsequent revision of such fees; (d) the terms and conditions under which licences are to be issued; (e) the supply to the Chairman information relating to Pool Betting business; (f) the registration of offices used for Pool Betting business;

- (g) the distribution and circulation of pool forms or coupons;
- (h) the period in respect of which returns are required;
- (i) the prevention of fraud on stakers or on the public at large on the part of Proprietors, Principal Agents, Pool Agents and their employees;
- (j) prescribing the classes of persons who may not participate in Pool Betting business in the State;
- (k) prescribing offences against any regulation and the penalties therefore;
- (l) prescribing anything which by this Law is authorized or required to be prescribed.

28. Nothing in the Criminal Code against the keeping of a betting house (howsoever worded) shall be deemed to apply to the business of pool betting under the provisions of this Law.

Exclusion of the
Criminal Code
(Cap. C16 Laws
of Cross River
State 2004)
Interpretation.

29. In this Law unless the context otherwise requires -

“Board” means the Board of Internal Revenue;

“Chairman” means Chairman of the Board of Internal Revenue;

“Commissioner” means the Commissioner responsible for Finance;

“Coupon” means any document by means of which a staker makes a bet for the purpose of his participation in Pool Betting;

“Exhibit” together with its grammatical variations and cognate expressions includes exhibiting to an individual;

“Gazette” means the Cross River State of Nigeria Gazette;

“Governor” means the Governor of Cross River State of Nigeria;

“Government” means the Government of the Cross River State;

“Head office” means the principal place of the Pool Betting business registered as such;

“Inspector” means Pool Betting tax Inspector;

“Occupier” means a person in control of premises on which Pool Betting business is carried on and includes an Employee, a Pool Agent, a Principal Pool Agent or any other person connected therewith;

“Office” in relation to a Pool Betting business includes any place used for the purpose of, or in connection with that business whether not used for the purpose of, or in connection with any other matter;

“Person” includes a body corporate or un-incorporate;

“Person accountable for tax” means a Proprietor and includes his heirs, executors, administrators, assigns and other successors in title;

“Pool Agent” means a person licensed as a Pool Agent to manage any Pool Betting business in the State;

"Principal Agent" means a Principal Agent appointed under section 9 of this Law;

"Pool Betting business" means any business involving the receiving or the negotiating of stakes or bets placed by way of Pool Betting and includes –

- (a) betting on terms that the winnings of such of those persons as are winners shall be, or shall be a share of, or shall be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalizator, or by filling up and returning coupons or other printed or written forms or otherwise;
- (b) betting on terms that the winnings of such of those persons as are winners shall be or shall include an amount (not determined by reference to the stake money paid or agreed to be paid by those persons which is divisible in any proportion among such of those persons as are winners;
- (c) betting on the basis that the winners or their winnings may to any extent be at the discretion of the proportion among such of those persons as are winners;
- (d) any business involving the receiving or negotiating of such stakes or bets on behalf of any person whether in any case the person on whose behalf the stake or bet is received or negotiated is within or outside the State; and
- (e) the business of betting at "fixed odds" where as part of, or incidental to, pool betting each of the persons placing a stake or bet knows at the time the stake or bets is placed, the amount likely to be won;

"Prescribed" means prescribed under this Law or the regulations made thereunder;

"Proprietor" means a person licensed as such to manage a Pool Betting business in the State;

"State" means the Cross River State of Nigeria;

"Winning" means the prize won by a staker in a pool betting.

Repeal

30. The Pool Betting Law 1983 is hereby repealed.

Short title

31. This Law may be cited as the Cross River State Pool Betting Law 2009 and shall be deemed to have come into force on the 20th day of August, 2009.



CROSS RIVER STATE OF NIGERIA

LAW NO. 8 (2015)

A Law to make provision for the establishment of the Cross River State Infrastructure Safety and Regulatory Agency and for matters connected therewith.

Long Title.

Commencement.

The Cross River State House of Assembly enacts as follows -

Enactment.

PART I

ESTABLISHMENT OF INFRASTRUCTURE SAFETY AND REGULATORY AGENCY

1. (1) There is hereby established the Cross River State Infrastructure Safety and Regulatory Agency (in this Law referred to as "the Agency").

Establishment of the Infrastructure Safety and Regulatory Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The common seal shall be authenticated by the Director-General or any other person so authorized to act on her behalf.

(4) Judicial notice shall be taken of the common seal of the Agency and to be authenticated in accordance with this Law.

2. The Functions and Powers of the Agency shall be to -

Functions and Powers of the Agency.

- (a) issue permits for use of right of way to all telecommunications operators, electricity generation and distribution companies (gencos and discos);
- (b) disconnect and dismantle cables and other infrastructure laid or erected without obtaining the requisite permission from the Agency;
- (c) authorize a qualified officer of the Agency to inspect infrastructure for the purpose of determining whether it complies with the provisions of this Law and regulations made hereunder; such inspection shall be between the hours of 8.00am and 5.00pm;
- (d) regulate the placing of urban furniture such as telecommunication antennae, mast and towers on land or buildings;
- (e) implement rates and fees for permits to erect antennae, masts and towers as may be prescribed by the Board;
- (f) compel any person, authority or arm of Government to which this Law applies to disclose information in whatever form relating to public infrastructure and to comply with this Law or regulations made hereunder;
- (g) investigate or cause an investigation into whether any person has violated any provision of this Law;
- (h) direct any cause of action that will bring the affairs of a Ministry, Department,

Extra-ministerial Department, Agency, Community or Local Government in line with the Law or any templates issued pursuant to the regulations made under this Law;

- (i) be responsible for the safety of all infrastructure erected in the State;
- (j) to design and develop infrastructure aerial map;
- (k) set standard and implement infrastructure safety in Cross River State; and
- (l) liaise with all Federal and International Agencies to implement infrastructure safety and all other infrastructure in Cross River State.

PART II THE BOARD

Establishment of the Board.

3. There is hereby established the Cross River State Infrastructure Safety and Regulatory Agency Board (in this Law referred to as "the Board").

Powers of the Board.

4. The Board shall have power to –

- (a) determine the general policies and guidelines relating to the functions and powers of the Agency;
- (b) subject to the provisions of this Law, the Board may make recommendations to the Commissioner for the review of rules and regulations which relate to the functions of the Agency; and
- (c) do such other things which in the opinion of the Board are necessary or incidental to the efficient performance of the functions of the Agency;

Membership and qualification of the Board members.

5. (1) The Board shall consist of the following members to be appointed by the Governor –

- (a) a Chairman who shall be a person with proven integrity, requisite professional training in any relevant field and a minimum of fifteen years post qualification experience;
- (b) a representative of Ministry of Works who shall be a certified Engineer of not less than twelve years practice experience;
- (c) Attorney-General or his representative;
- (d) a representative of Ministry of Environment who shall be an Environmental Science Practitioner with not less than twelve years practice experience;
- (e) one retired Civil Servant who is a financial analyst with qualification and work experience in economic planning and development;
- (f) a representative of Ministry of Lands and Housing;
- (g) one civil society activist working in the area of public revenue, infrastructure and expenditure monitoring; and
- (h) four members.

(2) At least, one member of the Board shall be appointed from each of the three Senatorial Districts of the State.

6. The members of the Board shall serve on a part time basis and shall be paid such remuneration and allowances as are applicable in the State Public Service. Members to serve on part time.

7. (1) Notwithstanding the provisions of Sections 5 of this Law, a member of the Board shall cease to hold office if he – Cessation of the Membership.

(a) resigns his appointment as a member of the Board by notice under his hand addressed to the Governor;

(b) becomes of unsound mind;

(c) is convicted of a felony or any other offence involving dishonesty or corruption;

(d) becomes bankrupt or makes a compromise with his creditors; and

(e) becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body.

(2) Notwithstanding the provisions of sub-section (1) of this Section, a member of the Board may at any time be removed from the office by the Governor –

(a) for misbehaviour; or

(b) if he is satisfied that it is not in the interest of the public for the member to continue in office.

8. (1) The Board shall sit in session at least six (6) times in a year and as frequently as is necessary in situations of emergencies. Sittings and Meetings of the Board.

(2) The chairman shall preside at all meetings of the Board and in his absence, the members present at such meetings shall elect one of their numbers to preside.

9. No meeting of the Board shall proceed to business unless there is a quorum of 6 members present at a meeting. Quorum.

10. A member of the Board other than an ex-officio member (that is, paragraphs (b) and (f) of Section 5(1) of this Law) shall hold office for a period of three (3) years and may at the end of such term be eligible for re-appointment to a further term only. Tenure.

11. At the meetings of the Board, issues requiring a vote shall be determined by a simple majority of votes of the members present and in the case of a tie, the Chairman shall have a casting vote. Voting at meetings.

12. The validity of any proceedings of the Board shall not be affected by the absence of any member of the Board or any defect in the appointment of a member or any vacancy in the membership of the Board or by reason of a person, not so entitled, taking part in such meetings. Validity of Proceedings.

13. The Board may appoint sub-committees to advise it or take other actions on any matter which the Board may participate in or any other purposes, (whether general or special) relating to the functions of the Board where such other purposes would be better regulated or managed by means of sub-committees. Appointment of Sub-Committees.

PART III MANAGEMENT AND STAFF OF THE AGENCY

Appointment of
Director-General
and other Directors

14. (1) The Management of the Agency shall be headed by a Director -General to be appointed by the Governor on such terms and conditions as the Governor may deem fit.

(2) The Director-General shall be the Chief Executive Officer of the Agency and shall have responsibility for the implementation of the policies and decisions of the Board and the general administration of the Agency.

(3) Without prejudice to the provisions of subsection (2) of this Section, the Director-General shall -

- (a) exercise general supervision and administrative control over staff of the Agency; and
- (b) direct the activities of the Agency, subject to the directives of the Board.

(4) The Director-General shall hold office for a period of four (4) years and may be re-appointed for another term of four (4) years and no more.

(5) The Director-General shall be a person of proven integrity with requisite professional training in any relevant field and has a minimum of fifteen years post qualification experience and shall serve at the instance of the Governor and maybe removed from office at the Governor's discretion.

(6) the Director-General shall be assisted by Directors to be appointed by the Governor and shall be deployed as heads of departments of the Agency as maybe created.

(7) The remuneration and conditions of service of the Directors shall be the same as that of a Director in the State Civil Service.

Appointment of
Secretary.

15. (1) The Governor shall appoint, from within the State Service a person to serve as the Secretary to the Board and the Agency.

(2) The Secretary, who shall not be a member of the Board, shall be a legal practitioner of not less than eight (8) years post call experience.

(3) The Secretary to the Board and the Agency shall -

- (a) keep the records and conduct the correspondence of the Board;
- (b) perform such other duties of a secretarial nature as the Board or as the Director-General of the Agency may from time to time direct; and
- (c) shall serve as the legal officer of the Agency.

Staff of the
Agency.

16. (1) The Agency may in consultation with the State Civil Service Commission, recruit such number of staff as may be necessary for its operations.

(2) The staff of the Agency may also be drawn on secondment from any Ministry, parastatals or Agency of the State.

(3) The staff of the Agency shall be entitled to salaries and allowances as are applicable in

(2) At least, one member of the Board shall be appointed from each of the three Senatorial Districts of the State.

6. The members of the Board shall serve on a part time basis and shall be paid such remuneration and allowances as are applicable in the State Public Service. Members to serve on part time.

7. (1) Notwithstanding the provisions of Sections 5 of this Law, a member of the Board shall cease to hold office if he – Cessation of the Membership.

- (a) resigns his appointment as a member of the Board by notice under his hand addressed to the Governor;
- (b) becomes of unsound mind;
- (c) is convicted of a felony or any other offence involving dishonesty or corruption;
- (d) becomes bankrupt or makes a compromise with his creditors; and
- (e) becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body.

(2) Notwithstanding the provisions of sub-section (1) of this Section, a member of the Board may at any time be removed from the office by the Governor –

- (a) for misbehaviour; or
- (b) if he is satisfied that it is not in the interest of the public for the member to continue in office.

8. (1) The Board shall sit in session at least six (6) times in a year and as frequently as is necessary in situations of emergencies. Sittings and Meetings of the Board.

(2) The chairman shall preside at all meetings of the Board and in his absence, the members present at such meetings shall elect one of their numbers to preside.

9. No meeting of the Board shall proceed to business unless there is a quorum of 6 members present at a meeting. Quorum.

10. A member of the Board other than an ex-officio member (that is, paragraphs (b) and (f) of Section 5(1) of this Law) shall hold office for a period of three (3) years and may at the end of such term be eligible for re-appointment to a further term only. Tenure.

11. At the meetings of the Board, issues requiring a vote shall be determined by a simple majority of votes of the members present and in the case of a tie, the Chairman shall have a casting vote. Voting at meetings.

12. The validity of any proceedings of the Board shall not be affected by the absence of any member of the Board or any defect in the appointment of a member or any vacancy in the membership of the Board or by reason of a person, not so entitled, taking part in such meetings. Validity of Proceedings.

13. The Board may appoint sub-committees to advise it or take other actions on any matter which the Board may participate in or any other purposes, (whether general or special) relating to the functions of the Board where such other purposes would be better regulated or managed by means of sub-committees. Appointment of Sub-Committees

PART III MANAGEMENT AND STAFF OF THE AGENCY

Appointment of
Director-General
and other Directors

14. (1) The Management of the Agency shall be headed by a Director -General to be appointed by the Governor on such terms and conditions as the Governor may deem fit.

(2) The Director-General shall be the Chief Executive Officer of the Agency and shall have responsibility for the implementation of the policies and decisions of the Board and the general administration of the Agency.

(3) Without prejudice to the provisions of subsection (2) of this Section, the Director-General shall -

- (a) exercise general supervision and administrative control over staff of the Agency; and
- (b) direct the activities of the Agency, subject to the directives of the Board.

(4) The Director-General shall hold office for a period of four (4) years and may be re-appointed for another term of four (4) years and no more.

(5) The Director-General shall be a person of proven integrity with requisite professional training in any relevant field and has a minimum of fifteen years post qualification experience and shall serve at the instance of the Governor and maybe removed from office at the Governor's discretion.

(6) the Director-General shall be assisted by Directors to be appointed by the Governor and shall be deployed as heads of departments of the Agency as maybe created.

(7) The remuneration and conditions of service of the Directors shall be the same as that of a Director in the State Civil Service.

Appointment of
Secretary.

15. (1) The Governor shall appoint, from within the State Service a person to serve as the Secretary to the Board and the Agency.

(2) The Secretary, who shall not be a member of the Board, shall be a legal practitioner of not less than eight (8) years post call experience.

(3) The Secretary to the Board and the Agency shall -

- (a) keep the records and conduct the correspondence of the Board;
- (b) perform such other duties of a secretarial nature as the Board or as the Director-General of the Agency may from time to time direct; and
- (c) shall serve as the legal officer of the Agency.

Staff of the
Agency.

16. (1) The Agency may in consultation with the State Civil Service Commission, recruit such number of staff as may be necessary for its operations.

(2) The staff of the Agency may also be drawn on secondment from any Ministry, parastatals or Agency of the State.

(3) The staff of the Agency shall be entitled to salaries and allowances as are applicable in

the State Service and particularly with regards to Pension Law of the State.

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(4) The Agency shall have such Departments and Units as may be necessary for its operation.

17. (1) Any person wishing to erect any structure in the form of a mast, tower, plants, antennal etc. shall apply for a permit to relevant agencies of government through the agency created by this Law. Offences.

(2) The Agency shall, in collaboration with relevant bodies, set up a guideline for the erections of such structures.

18. (1) Failure to comply with the provisions of Section 14(1) of this Law shall attract the following - Penalty.

(a) in the case of individuals, a fine of N250,000 (Two Hundred and Fifty Thousand Naira); and

(b) in the case of a corporate organization, a fine of N2,500,000 (Two Million, Five Hundred Thousand Naira).

10 (2) Without prejudice to the provisions of subsection (1), the Agency shall have the power to demolish structures without permits from the Agency.

PART IV FUNDS AND ACCOUNT

19. The sources of Funds of the Agency shall consist of-

Sources of funds.

(a) budgetary provisions;

(a) Levies, Fines and Fees;

(b) Loans and grants to the Agency;

(c) Such revenue as the Agency may derive from its investments and services; and

(d) any other legal source.

20. The Agency shall open and operate an account in any reputable bank approved by the State Accountant-General and all monies received by or on behalf of the Agency shall be paid into the said account and no withdrawal shall be made from the account unless the Cheque or other instrument for such withdrawal has been signed by the Director-General and the Accountant of the Agency or any other officer of the Agency as maybe authorized in that behalf by the Agency.

Bank Account.

21. The Agency shall cause to be prepared not later than 15th September each year, estimates of the recurrent and capital expenditure for the succeeding year.

Annual Estimates.

22. The Board shall cause to be kept such proper accounts and financial records, which shall be audited by Auditors on the recommendation of the Auditor-General for the State.

Accounts and Audit.

Accounts, Audit and Annual Report to be submitted to the House.

23. The Agency shall within 3 months after the end of each financial year, submit to the House of Assembly-

- (a) a report of its activities for the previous year;
- (b) the financial statement and balance sheet for that year; and
- (c) the report of the Auditor-General of the State on the said report.

Borrowing.

24. The Agency may, subject to such terms and conditions as maybe approved by the Governor, borrow such monies as it may from time to time require for the performance of any of its functions under this Law.

2% retention.

25. The Agency shall retain 2% of all revenue generated for monitoring and evaluation of its activities.

PART V MISCELLANEOUS

Contract not requiring seal.

26. Any contract or instrument which would not be required to be under seal if entered into or executed by a person, may be entered into or executed as the case may be, on behalf of the person generally or specifically authorized in that behalf by the Agency.

Immunity of officer or staff of the Agency.

27. An officer or staff of the Agency shall not be personally liable for any act or omission or for any default of the Agency so long as such act, omission or default was done in good faith and in the course of the operations of the Agency.

Representation in Court

28. In any civil action or proceedings, the Agency shall at any time be represented in court by a State Counsel or a Legal Practitioner nominated by the State Attorney-General.

Jurisdiction.

29. Any High Court of the State shall have jurisdiction to determine cases or disputes arising from the operation of this Law.

Regulations.

30. (1) The management of the Agency shall by Regulations upon the approval of the Governor prescribe levies, fines and fees payable by (operators of) telecommunication, electricity generation and distribution companies.

(2) The management of the Agency may upon the approval of the Governor, amend the Regulations as may be expedient.

(3) Any regulation issued pursuant to subsections (1) and (2) of this Section shall be laid before the House of Assembly for information and a consequential resolution.

Interpretation.

31. In this Law, unless the context otherwise requires -

"Agency" means the Cross River State Infrastructure Safety and Regulatory Agency;

"Bank" means all types of banks including commercial banks;

"Board" means the Board of the Cross River State Infrastructure Safety and Regulatory Agency;

"Chairman" means Chairman of the Board of the Agency;

"Commissioner" means Commissioner for the Ministry of Lands and Housing

"Director" means the Directors appointed under Section 13 of this Law;

"Director-General" means the Chief Executive of the Agency;

"Governor" means the Governor of Cross River State;

"House of Assembly" means the Cross River State House of Assembly;

"Infrastructure" means telecommunications masts, antennal, towers, and plants, apparatus equipment or work designated for the supply of electrical energy;

"Relevant Field" means law, architect, engineering, environmental urban and regional planning and surveying;

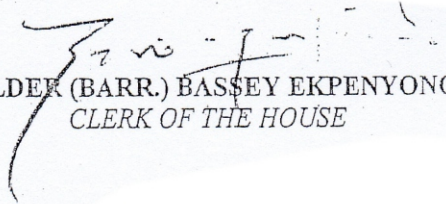
"Right of Way" means the land upon which the masts, antennal, towers, and plants, apparatus equipment or work designated for the supply of electrical energy etc. shall be erected and not the right of passage over it;

"State" means Cross River State of Nigeria.

32. This Law may be cited as Cross River State Infrastructure Safety and Regulatory Agency Law, 2015 and shall come into force on theday of2015.

Short Title/
Commencement.

This printed impression has been carefully compared by me with the Law which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Law.


ELDER (BARR.) BASSEY EKPENYONG
CLERK OF THE HOUSE

I assent

SENATOR (PROF.) BEN AYADE
GOVERNOR
CROSS RIVER STATE

MADE AT Calabar this..... day of.....2015

