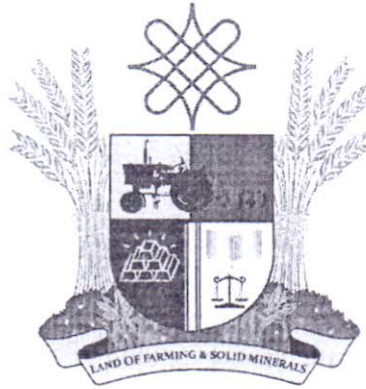


**ZAMFARA STATE OF NIGERIA**

**LAW TO PROVIDE FOR THE ZAMFARA STATE  
DEBT MANAGEMENT OFFICE (ESTABLISHMENT)  
LAW**

**LAW NO..... 2020 (1442 A.H)**



ZAMFARA STATE OF NIGERIA

LAW TO PROVIDE FOR THE ZAMFARA STATE DEBT  
MANAGEMENT OFFICE (ESTABLISHMENT) LAW.

LAW NO..... 2020 (1442 A.H)

- Enactment The Zamfara State House of Assembly enacts as follows-
- Citation 1. This Law may be cited as Zamfara State Debt Management Office  
Commencement (Establishment) Law No.....2020 (1442 A.H) and will come in force  
on the.....2020 (1442 A.H)
- Interpretation 2. In this Law;  
"Board" means the supervisory Board of the Office established  
under section 4 of this Law;  
  
"Commissioner" means the commissioner for the time being  
charged the responsibility of matters relating to Finance in the  
state;  
  
"Debt" include internal and external debt;  
  
"Executive council" means the Executive Council of the state;  
  
"Office" Means the State Debt Management Office Established  
under Section 3 of this Law;  
  
"Director General" means the Director General of the Office  
appointed pursuant to Section 10 of this law;  
  
"Governor" means the Governor of the State;  
  
"Government" means the State Government;

**"Instrument"** means the any registered bond, bearer bonds, promissory notes, syndicated notes or such other securities or debt instruments as may be issued by the Zamfara State Debt Management Office on behalf of the Government, pursuant to this Law;

**"Loans"** includes both internal and external borrowing of the Government;

**"Public Bodies"** means include Federal, State and Local Government or their Agencies and Parastatals;

**"Register"** means a register or such registers as will be maintained by the State Debt Management Office in Which details certificates and other instruments including particulars of the holders thereof, transaction in any debt securities entered into by the Government and details of subsequent transactions in such instrument and securities will be recorded;

**"Registrar"** means any person appointed by the Office for the purpose of maintaining any Register, issuing and delivering certificates and other instruments of title to subscribers to any debt issuance programme of the State or Instrument Holders, verifying instruments of the title and recording in the Register, details of any transaction in such instrument;

**"Government"** means Zamfara State of Nigeria;

**"Sinking Fund"** means a specific fund established whenever it is necessary to do so in connection with a particular issue of instrument into which contribution will be made from the Consolidated Debt Service Account in accordance with the terms and conditions of issue of the particular instrument;

Establishment  
of the Office

3. (1) There is established a body to be known as the Zamfara State Debt Management Office (in this Law referred to as "**the Office**")

- (2) The Office shall;
  - (i) Be a body corporate with perpetual succession and a common seal;
  - (ii) May to sue and be sued in its corporate name; and
  - (c) May acquiring, hold or dispose of any property, movable or immovable for the purpose of carrying out its functions under this Law;

Functions of the Office

- 4. The functions of the Office Shall;
  - (a) Issue, on behalf of the State, such Instruments as the State may desire to issue;
  - (b) Borrow on behalf of the Government, from any individual or institutional bodies;
  - (c) Maintain reliable database of all instruments issues, loans taken or guaranteed by the Government or any of its agency and all contingent liabilities related to it;
  - (d) Prepare and submit to the Government, a forecast of loan service obligations for each financial year;
  - (e) Prepare and implement a plan for the efficient management of State's debt obligations at sustainable levels compatible with desired economic activities for growth and development; and participate in negotiation aimed at realizing those objectives;
  - (f) Verify and service debt guaranteed or taken directly by the Government;
  - (g) Reconcile and where applicable service debts taken by Local Governments where such debts are authorized and guaranteed by the Government;
  - (h) Set guidelines for managing Government financial risks and financial exposure with respect to all loans and instruments;
  - (i) Advice the Government on the restructuring and refinancing of all debts;

- (j) Advise the Governor on the terms and conditions on which monies are to be borrowed;
- (k) Prepare a schedule of any Government obligation such as trade debts and other contingents' liabilities and provide advice on policies and procedures of their performance;
- (l) Establish and maintain relationship with international and local financial institutions, creditors and institutional investors in Government debts;
- (m) Collect and collate data on debt management and disseminate information with the approval of the Board;
- (n) Advise and propose funding mechanisms for infrastructural projects that may be referred to it;
- (o) Carry out such other functions which are required for the effective implementation of its functions under this law or any other Law, or which may be delegated to it by the Commissioner;

Tenure of Office      5. (1) Members of the Board (other than the Commissioner, Secretary to the State Government and Accountant General of the State) shall hold office for a period of 4 years and may be eligible for re-appointment for a further term of four years and no more;

(2) Members of the Board shall be paid such allowances as may be approved by the Governor

Powers of the Office      6. The Office shall have powers to-

- (a) Issue and manage State loans as prescribed under any law and or on such terms and conditions as may be approved by the Executive Council;
- (b) Issue guidelines and regulations for the smooth operation of any debt, bond and or securities issuance programme of the State;
- (c) Manage the Consolidated Debt Service Account established by the State Bonds, Notes and other securities;

- (d) Invest with the approval of House of Assembly any sum in the consolidated Debt Service Account not immediately required for debt service; and
- (e) Do such other things which, in the opinion of the Board relate to the management of the debt of the State;
- (f) Participate in loan negotiation (internal & external) and appropriately advise Government on sustainability or otherwise of the Government to access the loan; and
- (g) All Ministry, Departments, Agencies and Local Government and their Agencies shall seek clearance from the governor with the recommendation from the Office.

Establishment  
of the Board

7. (1) There is established for the Office a Board to be known as the Zamfara State Debt Management Board (in this Law referred to as "the Board") which consist of-
- (a) The State Commissioner of finance who shall be the Chairman;
  - (b) The State Commissioner of Budget and Economic Planning who shall be the Vice Chairman;
  - (c) The Secretary to the State Government;
  - (d) The Accountant General of the State;
  - (e) The Director General of the Office; and
  - (f) A representative of the private sector appointed by the Governor who shall be a person competent in financial matters.
- (2) The Board shall have a Secretary appointed by the Governor who shall be legal practitioner of at least 10years post call experience;
- (3) The supplementary provision set out in the First Schedule of this Law has effect with respect to the proceedings of the Board and other matters.

Functions of  
the Board

8. (1) The Board shall-
- (a) Approve policies, strategies and procedures to be adopted by the Office for the achievement of its objectives;
  - (b) Review from time to time, the economic and political impact of the State debt management strategies;
  - (c) Appoint as and when necessary, technical committees comprising of persons of requisite technical competence from private or public sector to advise the Office on such matters as may be determined;
  - (d) Recommend for the Governor, members of any debt issuance programme or restructuring committee; and
  - (e) Perform such other functions as may be necessary to achieve the objectives of the Office.

Removal of  
Members of the  
Board

9. Notwithstanding the provision of Section 7(1) of this Law, member of the Board ceases to hold office if the member has-
- (a) Resigned his appointment as a member of the Board by notice under his hand, addressed to the Governor;
  - (b) By reasons of mental or body infirmity become incapable of discharging his duties;
  - (c) Been convicted of any offence which involves moral turpitude;
  - (d) Been involved in any act that may be considered inimical to the interest of the Office or the State;
  - (e) Become bankrupt or made a compromise with his creditors; and
  - (f) The Governor may remove any member of the Board if he is satisfied that it is for the public interest to so.

Appointment  
of the Director  
General

10. (1) There shall be a Director General to the Office who shall be appointed by the Governor on the recommendation of the Commissioner.

- (2) The Director General shall be the Chief Executive Officer with ultimate responsibility of the day to day running of the affairs of the Office.
- (3) The Director General shall-
  - (a) If appointed from Civil Service of the State, not be below grade level 14 and shall have knowledge of financial, budgetary and or planning matters who must have acquired experience on Debt Management and administration ;
  - (b) Hold office for a period of four years in the first instance and may be reappointed by the Governor for another term of four years and no more;
  - (c) Be responsible to the Board for policy direction and execution of such policies; and
  - (d) Hold office for such terms and conditions as may be determine by the Board or as may be contained in his letter of Appointment.

Appointment of other staff

- 11. (1) The Board shall appoint either on transfer or on secondment from public service of the State or from private sector, such number of employees as may, in the opinion the Board, be required to assist the Office in the discharge of its functions under tis Law.
- (2) The Terms and conditions of service including remunerations, allowances, benefits and pension of the employees of the office shall be determine by the Board after consultation with any committee, agency or other body responsible for determine salaries of civil Servants in the State.
- (3) Notwithstanding of the provision of sub-Section (2) of this section, the Governor may, upon the recommendation of the Board, approved such remunerations, allowances and benefits for the Director General or any other employee of the office.



Staff regulations 12. (1) The Board may make staff regulations relating generally to condition of service of the employee of the Office and without prejudice to the generality of the forgoing, such regulations may provide for .

- (a) The appointment, promotion and disciplinary control of the employees of the Office; and
  - (b) Appeals by such employees against such disciplinary measures and until such regulations are made, any instrument relating to the conditions of officers in the Civil Service of the State shall be applicable , with such modifications as may be necessary, to the employee of the office.
- (2) Staff regulations made under sub-section (1) of this section need not to be published in a State gazette but the Board shall cause them to be brought to the notice of all affected person in such manner as it may, from time to time determine.

Service in office shall be pensionable

- 13
- (1) The employment of the Office shall be pensionable for the purpose of Pension Law.
  - (2) The Officers and other persons employed in the Office shall be entitle to pensions, gratuity and other retirement benefits as are enjoyed on equivalent grades in the Civil Service of the State.
  - (3) Nothing in sub-section (1) and (2) of this Section shall prevent the appointment of any person to any office on the on the term which preclude the grant of pension and gratuity in respect of that office.

Establishment of management team

- 14.
- (1) There is established for the Office a management team which shall comprise of Director- General and Heads of Department of the Office.
  - (2) The Management team shall, under the direction of Director General, be responsible for the implementation of the policies of the Board and the day to day administration of the office.

Establishment of a fund for the office

- 15.
- (1) There for the office, a fund from which all expenses incurred by the Office shall be defrayed.
  - (2) There shall be paid to the fund-

- (a) Any allocation to the Office from Consolidated Revenue Fund of the State.
  - (b) Such monies as may from time be granted or lent to the office by the Federal, State or Local Governments;
  - (c) All monies raised for the purpose of the office by way of gifts, loans, grants-in-aid, testamentary disposition or otherwise; and
  - (d) All monies and assets that may from time to time accrue to the office.
- (3) The fund shall be managed in accordance with the rules made by the Board and without prejudice to the generality of the power to make rule under this sub-section, the rules shall in particular contain provisions-
- (a) Specify the manner in which the assets or fund of office are to be held and regulating the making of payments into and out of the fund; and
  - (b) Requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.

Expenditure  
of the Office

16. The Office shall apply the proceeds of the fund to-
- (a) Cost of administration of the office;
  - (b) The payment of all consultancies, legal fees, financial advisers, contracts for the construction of property for the office or for the effective running of the office and cost on contract administration;
  - (c) The payment of all purchase
  - (d) Undertaking such other activities as are connected with or any of the functions of the Office under this Law

Gift to the  
Office

- 17 (1) The Office may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Office shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the objectives and functions of the Office under this Law.

Annual Estimates  
and Expenditure

18. (1) The Board, shall not later than 30<sup>th</sup> September in each year, submit to the Commissioner an estimate of the expenditure and income of the office during the next succeeding year.

(2) The Board shall cause to be kept, proper accounts of affairs of the office in respect to each year and shall cause the account to be audited not later than six months after the end of each year by auditors appointed from the list of accredited auditors approved by the Board and in accordance with guidelines supplied by the Auditor General of the State.

Annual  
Report

19. The Board shall prepare and submit to the Commissioner not later than 30<sup>th</sup> June in each year, a report in such form as the Commissioner may direct on the activities of the office during the immediately preceding year and shall include in the report a copy of the receipt of such report, the Commissioner shall forward a copy to the Governor and State House of Assembly.

Borrowing

20. (1) The Office shall advise the Government annually, on any shortfall in financing obligations of the State for the succeeding financial year and the amounts as may be necessary for Government to borrow for bridging such gap either internally or externally and in naira or other currencies may be financially prudent for the State.

(2) Any advice issued by the office under sub-section (1) will, among other things, form the basis of the State borrowing and debt issuance programme for the succeeding financial year as may be approved by the State House of Assembly.

(3) The Office shall participate in negotiations and acquisition of such loans and credit referred to in sub-section (1) of this section.

Government  
Guarantee

21. (1) the Government may, subject to the provision of this Section, authorize and guarantee any loan to be taken by any Local Government or their Agencies of Government in the State.

- (2) A guarantee Agreement for a loan will be executed on behalf of the Government, by the Commissioner or any other person designed by him in writing.
- (3) Where any money was due to be paid by the Government in satisfaction of any obligation arising from a borrowing or a guarantee under this Section, that money will be deemed to be a charge on the Consolidated Revenue Fund of the State.

Internal  
Borrowing

22. (1) Subject to the provision of Section 6 of this Law, the Office shall-  
(a) Determine –

- (i) The amount and time schedules for the issuance of Government short term and medium term securities in the Nigerian money markets;
  - (ii) The repayment or role-over of existing or maturing issues;
  - (iii) The floatation of Government long-term securities to raise appropriate funds in the capital market;
  - (iv) The payment of interest and redemption of securities to raise appropriate funds in the capital market;
  - (v) The creation with the approval of Executive Council of specific Sinking Funds to provide for the redemption of specific securities at maturity.
- (b) The management of Register of holders of all instruments and other debt securities issued by the State and record and report to the appropriate quarters, the particulars of all holders and all transaction entered into with regard to such instruments and activities therein, for the purpose of carrying out the responsibility under this sub-section the office with the approval of the Executive Council will appoint a registrar registered with the Security and Exchange Commission subject to any term and conditions which it deem fit.
- (c) With the approval of the Executive Council determine any other form of securities that may be created, issued or floated to achieve the debt management objectives of the Government.

- (d) Maintain record of all guarantee by the Government of any authorize loans. Taken by any Local Government or other agency of Government;
  - (e) Review and advice on the maintenance of statutory limits for all categories of loans or debt instrument at all levels compatible with economic activities required for sustainable growth and development in collaboration with the Accountant General of the State; and
  - (f) Liaise with other State other State Government or other relevant institution within or outside Nigeria for the realization of the objectives of the office.
- (2) Any money received in respect of any loan contracted by the State shall be –
- (a) Paid in to any other public funds of the State existing at the time or created for the purpose of the loan;
  - (b) Paid in to and form part of Consolidated Revenue Fund of the State;
- (c) Apply solely for the purpose of which it was obtained and in accordance of the term and condition of the agreement under which it was obtained therewith.

Approval for  
Grant or  
Loans

- 23 (1) Approval of grants or loans to other states or any of its agencies may be granted in accordance with the procedure specified in this Section-
- (2) Application for grants or loans to other States shall be submitted by the Governor to the House of Assembly and may be approved subject to such terms and conditions as may be prescribed by the resolution of the House of Assembly.
  - (3) An application specified in sub-section of this section indicates the –
    - (a) Objectives, as the case may be, underlying the request or proposal.
    - (b) Terms and conditions of the grant or loan
    - (c) Benefits which the State stands to derive from the grant or loan; and

(d) State of the relations existing between the other states and the State, at the time of request or proposal.

Execution of  
Loan Agreement

24. An agreement entered into for the purpose of section 21 of this Law shall be writing and be executed for and on behalf of the State by the Commissioner or by such other person as the Commissioner may, from time to time designate for that purpose.

Limitation of  
Suit against  
the Office

25. (1) Subject to provision of this law, the provisions of the Public Officer Protection Act or any other relevant or applicable law shall apply in relation to any suit instituted against any officers or employee of the Office;

(2) Notwithstanding, anything contained in any law or enactment, no suit will lie or be instituted in any court against any member of the Board, the Director General or any other officer or employee of the Office for any act or omission, in pursuance or execution of this Law or any other Law or enactment or of any public duty or authority in respect of any alleged neglect or default in the execution of this Law or such other law or enactment, duty or authority unless-

(a) It commence within three months next after the act neglect or default complained of or

(b) In the case of a continuation of damage or injury, within six months next after the cessation thereof.

(3) No suit will be commenced against a member of the Board, the Director General, officers or employee of the office before the expiration of a period of one month after written notice of intention to commence the suit must have been served upon the Office by the intending claimant or his agent.

(4) the notice referred to in subsection (3) of this Section must clearly and explicitly state the cause of action, the particulars of claim, the name and place of abode of the intending claimant and the relief which he claim.

Service of  
Document

26. Any notice, summons, or other documents required or authorized to be served upon the office under this Law or any other law or enactment may be served by delivering it to the Director – General or sending it by registered post and addressed to the Director General at the principal office of the Office.

Monetary Judgment  
against the Office to  
be paid from fund of  
the Office

27. Any sum of money which may, be judgment of any court, be awarded against the will, subject to any direction given by the Court where notice of appeal or the said judgment has been given, be paid from the fund of the Office.

Legal  
proceedings

31. (1) Subject to the provisions of this Law, no suit shall be commenced against the Directorate before the expiration of 30 days after written notice of intention to commence such suit has been served upon the Directorate by the intending claimant or his agent and the notice shall clearly state:
- (a) The cause of actions;
  - (b) The particulars of claim; and
  - (c) The relief sought.
- (2) The Special Adviser, Director General and staff of the Directorate shall be sued in their personal capacity for any act done or omitted to be done in the lawful performance of their duties under this Law.

Transitional  
Provision

28. (1) As from the commencement of this Law, the powers of any Ministry or Extra-Ministerial Department over any debt involving the Government shall, by virtue of this Law and without further assurance, be vested in the Office established by this Law and in accordance with the provision of this Law.
- (2) Accordingly, any proceeding or cause of action pending or existing immediately before the commencement of this Law by or against any such Ministry or Extra Ministerial Department over the management of any debt in respect of management of a debt referred to in sub-section (2) of this section may be enforced by or against the office to the same extent that the proceeding cause of action or determination could have been continued, commenced, as the case may be by against the Office as if the Office had been a party thereto.
- (3) the determination of a court, tribunal or other authority or person made in nay proceeding or cause of action referred to in sub-section (2) of this section may be enforced by or against the office to the same extent that the proceeding cause of action or determination could have been continued, commenced or enforced by or against that Ministry or Extra-Ministerial Department as if this Law had not been made.

29. The Office may, with the approval of the Governor make regulations for the operation of the Law, including the issuance of –
- (a) Guidance for obtaining loans, issuing bonds, securities debt instruments or hedge instruments by the Government or any of its agencies including the limit the State can obtain as a loan internally and externally.
  - (b) Guide lines in respect of lending to public bodies and
  - (c) Guidelines on any other matters as the board may deem fit in each circumstance.
30. The Zamfara State Debt Management Office Establishment Law 2012 is repealed.



**FIRST SCHEDULE**  
**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC**

1. Proceedings of the Board

(1) Subject to this Law and the Interpretation Law, the Board may make standing Orders regulating its proceeding or those of any of its Committee.

(2) The quorum of the Board will be the Chairman, the Vice Chairman or the person presiding at the meeting and three (3) other members of the Board, and the quorum of any committee of the Board will be determined by the Board.

2. (1) The Board will meet not less than four (4) times in each year and subject to this, the board will meet wherever it is summoned by the Chairman and if the Chairman is required to do so by notice given by not less than four (4) other members, will summon a meeting of the board to be held within twenty eight (28) days from the date on which the notice is given.

(2) At any meeting of the Board, the Chairman presides, but if absent the Vice-Chairman will preside over the meeting at the meeting will appoint one of them to preside over the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, it may co-opt such person to the Board for such period as deems fit; provided that a person who is in attendance by virtue of this subparagraph will not be entitled to vote at any meeting of the Board and will not count towards a quorum.

3. Committee-

(1) The Board may appoint one more committee to carry out, on its behalf, such functions as it may determine.

(2) A committee appointed under this paragraph will consist of such number of persons as may be determined by the Board and such person will be a member of the committee in accordance with the terms of the appointment.

(3) A decision of a committee will be of no affect until it is confirmed by the board.

4. Miscellaneous-

(1) The fixing of the seal of the office will be authenticated by the signature of the Chairman or any person generally or specifically authorized by the Board to act for that purpose, and that of the Director – General.

(2) Any contract or instrument which, if not 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 office by the Director – General or any other person generally or specifically authorized by the board to act for the purpose.

(3) Any document purporting to be a document duly executed under the seal of the office will be received as evidence, and will unless and until the contrary is proved, be presumed to be so executed.

(4) The validity of any proceeding of the Board or of a committee will not be adversely affected by-

a) A vacancy in the membership of the Board or committee;

b) A defect on the appointment of a member of the Board or committee; or

c) Reason that a person not entitled to do so took part in the proceeding of the Board or committee.

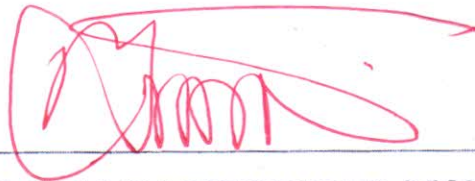
MADE AT GUSAU THIS 1<sup>ST</sup>.....DAY OF DEC-.....2020 (1442AH)

*This printed impression has been carefully compared by me with the  
LAW TO PROVIDE FOR THE ZAMFARA STATE DEBT  
MANAGEMENT OFFICE (ESTABLISHMENT) LAW 2020 which was passed  
by the Zamfara State House of Assembly and found by me to be a True and  
correct printed copy of the said Bill*



MAHMUD ALIYU  
DEPUTY CLERK TO THE HOUSE

ASSENTED TO BY ME THIS 1<sup>ST</sup>.....DAY OF Dec.....2020  
.....DAY OF.....1442AH



HON. BELLO MUHAMMAD, MON  
(MATAWALLEN MARADUN)  
GOVERNOR, ZAMFARA STATE