

CHAPTER 82

FUND FOR RURAL DEVELOPMENT LAW

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CHAPTER 82

FUND FOR RURAL DEVELOPMENT LAW.

A Law to make provisions for the establishment in the State of a fund for rural development and for the management of the fund and for other matters related to the fund and the development of rural areas in the State.

ANSI. Cap.
54.

[27th August, 1991]

PART I— PRELIMINARY

1. This Law may be cited as the Fund for Rural development Law.

Short title

2. In this Law—

Interpretation

“Advisory Committee of Chief” means the Advisory Committee of Chiefs established by section 41;

“appeal” means a request or invitation however conveyed, whether by actions, in words, pictorially or in writing and whether made in public, through the press, in conversation, by house to house visiting or through the post;

“Authority” means State Rural Development Implementation Authority established by section 5;

“collector” means a person duly authorized, pursuant to the provisions of section 44 of this Law, to assist in making a collection within the meaning of this Law;

“Commissioner” means State Commissioner to whom is assigned the responsibility for matters relating to rural development;

“committee” means any committee established under a provision of this Law;

“community” means a place identifiable as a town in, or other component part of, a local government area as set out in the First Schedule to the Local Government Law and includes the residents of such place;

“Fund” means Rural Development Fund established by section 4 of this Law;

“Government” means State Government;

“Governor” means Governor of the State

“Local Government Rural Development Committee” or “Local Government Committee” means Local Government Rural Development Committee established by section 18;

“Ministry” means State Ministry having responsibility for matters relating to rural development;

"principal officer" in relation to a Social Club or Town union means the president or chairman of that body (including the assistant or deputy), the Secretary (including the assistant) of the treasurer;

"project" means any undertaking or scheme designed to promote or enhance rural development;

"Recognized Chief" means a chief recognized as such by the Government under or by virtue of the Traditional Rural Law; 1981

"Registrar" means either of the public officer designated as Registrar under section 60 of this Law;

"Social club" includes an age grade society and any other organization, association or body whose objectives include the participation of its members in voluntary services or the promotion of community development;

"State" means Enugu State of Nigeria;

"State Rural Development Council" or "Council" means State Rural Development Council established by section 35 of this Law;

"Town or Village Development Committee" or "Town or Village Committee" means the Town or Village Development Committee established by section 23 of this Law;

"Town Unan." means any organization by that or other name called established by the indigenes of a community primarily for the purpose of promoting the welfare of such indigenes and for the development of that community;

"Traditional Rulers Advisory Council" or "Advisory Council" means the Traditional Rulers Advisory Council established by section 38 of this Law;

"zone" means each of the two areas into which the State is divided for the purpose of this Law and the headquarters of which are the towns mentioned in section 11 (2) of this Law.

PART II—OBJECTIVES AND ESTABLISHMENT OF FUND

Objectives

3. For the purpose of accelerating the development of the rural areas of the State, the Government is committed to achieving the following broad rural development objectives, that is to say—

- (a) sensitizing and mobilizing the entire people of the State particularly at the grassroot level, and consciously and actively involving them, in effective rural development; and
- (b) encouraging integrated and multi-dimensional approach to rural development through village integration wherever it is considered relevant.

Establishment of the Fund.

4. Pursuant to the objectives mentioned in section 3, there is hereby established for the State a fund to be known as Rural Development Fund

which shall be financed, operated, maintained and managed at different levels by each of the following bodies established under this Law, that is to say—

- (a) at the State level, by the State Rural Development Implementation Authority;
- (b) at the zonal level, by the Zonal Rural Development Committees;
- (c) at the local government level, by the Local Government Rural Development Committee; and
- (d) at the community level, by the Town or Village Development Committees.

PART III—BODIES ADMINISTERING THE FUND AND THEIR FUNCTIONS

5. (1) There is hereby established an authority to be known as the State Rural Development Implementation Authority which shall comprise the following members—

Establishment
of State
Implementation
Authority

- (a) the State Commissioner charged with responsibility for matters relating to rural development who is the chairman;
- (b) the State Commissioner charged with responsibility for matters relating to works or his representative;
- (c) the State Commissioner charged with responsibility for matters relating to finance and economic planning or his representative;
- (d) the State Commissioner charged with responsibility for matters relating to education or his representative;
- (e) the State Commissioner charged with responsibility for matters relating to health or his representative;
- (f) the State Commissioner charged with responsibility for matters relating to agriculture or his representative;
- (g) the State Commissioner charged with responsibility for matters relating to information or his representative;
- (h) the State Commissioner charged with responsibility for matters relating to commerce and industry or his representative;
- (i) the State Secretary to the Government or his representative;
- (j) the Permanent Secretary of the State Ministry responsible for matters relating to rural development
- (k) five persons being staff of the Sub-Department of Public Administration and Local Government of the University of

Nigeria, Nsukka appointed in that behalf by the Head of that Sub-Department.;

- (l) five persons each representing one of the five Zonal Rural Development Committees;
- (m) the State Chief Community Development Inspector who will also be the Secretary of the Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire and dispose of property

Sources of
money for
the Fund at
State level.

6. There shall be paid into that part of the Fund established at the State level—

- (a) by each local government —
 - (i) a sum representing 0.5 *per cent* of the proportion of the ten *per cent* of the total revenue of the State payable to local governments through the Local Governments Joint Account which is received by that local government as its share in any financial year as provided in the Allocation of Revenue (Federation Account, etc.) Act, or of such other percentage of the total revenue of the State payable to local governments as may hereafter be prescribed by or in any subsequent enactment or Act of the Federal Government of Nigeria;
 - (ii) a sum representing 2.5 *per cent* of the proportion of the ten *per cent* of the Federation Account distributable to each local government through the Local Governments Joint Account which is received by that Local Government as its share in any financial year as provided in the Allocation of Revenue (Federation Account, etc.) or of such other *percentage* of the Federation Account as may hereafter be prescribed by or in any subsequent enactment or Act of the Federal Government of Nigeria;
 - (iii) a sum representing five *per cent* of its total revenue in any financial year derived from sources other than those mentioned in subparagraphs (i) and (ii) of this paragraph;
- (b) such other moneys as may accrue to the Fund from any other source.

Management
of Fund at
state level

7. (1) The Authority shall be responsible for the management and control of the Fund mentioned in section 6.

(2) A withdrawal or disbursement from the Fund shall not be made except by the authority of the Authority.

(3) All monies comprised in the Fund shall be deposited in a bank of firm financial standing.

(4) The Authority may appoint an officer in the State public service not below the rank of a Chief Accountant to keep and maintain the account of the Authority.

8. Subject to other provisions of this Law, the moneys comprised in the Fund shall be applied by the Authority for the purpose of executing or developing such projects as may be approved by the Authority.

Application
of the Fund
at State
level.

9. The Authority shall —

Functions
of the
Authority

- (a) advise the Commissioner on the ways and means of procuring or realizing money for payment into the Fund and on how best to disburse or apply such moneys for the purpose of this Law;
- (b) determine and apply the criteria for equitable distribution of the amount in the Fund to the Local Government areas and other areas of need;
- (c) provide necessary guidance and encouragement to the Local Governments and Committees in the realization of the objectives and purpose of this Law;
- (d) co-ordinate the activities of other Government departments or agencies which are engaged in rural development so as to ensure a planned, programmed and integrated rural development throughout the State.
- (e) advise the Government through the Council on how to achieve a balanced development in all parts of the State;
- (f) contact and liaise with international bodies or agencies for the purpose of obtaining all forms of assistance including the training of local personnel in rural development;
- (g) examine, identify and advise the Commissioner on such projects as may be financed directly by the Government and those that may be financed by Government in partnership with persons or bodies engaged in the private sector of the economy;
- (h) superintend the activities of each Zonal Rural Development Committee including those of the Zonal Works Units established by such Zonal Committee;
- (i) perform such other functions relating to the purpose of this

Law as the Council or the Governor may from time to time direct.

Powers of the
Authority.

10. The Authority shall have power—

- (a) to negotiate, obtain and guarantee loans for the purpose of assisting in the execution or development of projects to be being executed or developed by a Committee;
- (b) to apply for and obtain a grant of a right of occupancy over or in respect of land in any part of the State for use by, or intend to be engaged in the development of industrial or agricultural projects in a rural area of the State;
- (c) to require, upon such terms and conditions as may be manually agreed, any person or body (whether corporate or unincorporate) to apply or extend such facilities or resources as are under his or its control or management to or for the benefit of the rural areas of the State.

Establishment
and
composition
of the Zonal
Rural
Development
Committee.

11. (1) There is hereby established for each zone a committee to be known as the Zonal Rural Development Committee.

(2) There shall be two Zonal Committees which shall, have their headquarters or seats at Enugu and Nsukka.

(3) A Zonal Committee shall comprise the following members, that is to say—

- (a) a person who for the time being is the Chief Executive of a Local Government whose headquarters is also the headquarters or seat of that Zonal Committee who shall be the Chairman;
- (b) persons who for the time being are the Chief Executives of the Local Governments comprised in that zone excluding the Local Government mentioned in paragraph (a);
- (c) Chairman of all the Local Government Committees comprised in that zone;
- (d) Secretaries of all Local Governments comprised in that zone;
- (e) Head of the Zonal Rural works units;
- (f) all the Community Development Inspectors being staff of the Local Governments comprised in that zone;
- (g) the most senior Community Development Inspector in the zone who shall also be the Secretary to the Zonal Committee.

Sources of
money for the
Fund at zonal
level.

12. There shall be paid into that part of the Fund established at each zone—

- (a) all moneys appropriated for that purpose by the Local Governments comprising a zone;
- (b) all grants or loans made by the Government or the Authority;
- (c) donations or gifts from persons or bodies whether corporate or unincorporate;
- (d) proceeds derived from hire charges for plant and other equipment;
- (e) such other moneys as may accrue to the Fund from any other source.

13. (1) A zonal committee shall, subject to the provisions of this Law, be responsible for the control and management of that part of the Fund established for its zone.

Management
of the Fund at
zonal level.

(2) A withdrawal or disbursement from the Fund shall not be made except by the authority of a Zonal Committee.

(3) All moneys comprised in the Fund at the zonal level shall be deposited in a bank of firm financial standing.

(4) A Zonal Committee may designate an officer in the State public service not below the rank of a Senior Accountant to keep and maintain the account of the Zonal Committee.

14. Subject to other provisions of this Law, the moneys comprised in the Fund at the zonal level shall be applied by a Zonal Committee for the development, construction and maintenance of projects such as roads, bridges and culverts in the zone and for such other purposes as the Authority or the Governor may direct.

Application of
the Fund at
zonal level.

15. A zonal committee shall —

- (a) establish and make functional the Zonal Rural Works Unit;
- (b) formulate rules and guidelines for the equitable deployment of the equipment and personnel of the Zonal Rural Works Unit in various parts of the zone;
- (c) superintend the performance and activities of the Zonal Rural Works Unit;
- (d) liaise with and carry out the directives of, the Authority;
- (e) encourage the participation and involvement by the people of a community in the zone in such self-help projects as community farming, rural water-supply and rural electrification and—

Functions of a
Zonal
Committee.

- (i) supervise the execution of such projects by the people or community, and
- (ii) request for Government assistance on behalf of such people or community;
- (f) establish, operate and maintain a workshop for the repair, servicing and maintenance of plant and other equipment owned by the Government or a Local Government comprised in the zone.

Functions of
the Zonal
Rural Works
Unit.

16. (1) A Zonal Rural Works Unit establish under section 15 (1) shall be under the charge of an engineer who shall, together with a complement of such staff as, in the opinion of the zonal committee, are adequate to execute the functions of the Zonal Rural Works Unit under this Law, be appointed in that behalf by the zonal committee from among the staff of the Local Governments in respect of which the zonal committee is established.

(2) A Zonal Rural Works Unit shall provide—

- (a) road construction, agricultural and other plants and equipment for hire at reduced rate to persons or communities that may require them for the development or execution of their projects; and
- (b) technical and other assistance, without charging a fee, to any person or community that is engaged in a self-help project such as the construction of roads, culverts or bridges.

Accountability
at the zonal
level.

17. A Zonal Committee shall keep proper accounts and records of its financial and other transactions in such manner as the Authority may direct and shall render to the Authority, after every period of three months, returns of its activities for that period, including—

- (a) details of payments into and disbursements from the Fund;
- (b) reports relating to the situation of projects being executed by persons, communities or other committees in the zone and generally on the activities of the other committees in the zone.

Establishment
and
composition of
the Local
Government
Rural
Development
Committee

18. (1) There is hereby established for each Local Government area in the State a committee to be known as the Local Government Rural Development Committee.

(2) A Local Government Committee shall comprise the following members, that is to say—

- (a) a person who for the time being is the Chief Executive of a Local Government;
- (b) a representative of each of the Town or Village Development Committees comprised in that Local Government area;
- (c) the Heads of Local Governments in a Local Government who are charged with the responsibility for matters relating to —
 - (i) works,
 - (ii) agriculture,
 - (iii) health,
 - (iv) education, and
 - (v) community development;
- (d) the Heads of Government Departments which have relevance to rural development such as Forestry, Information and Co-operatives;
- (e) the Secretary to the Local Government who shall also be the Secretary to the Local Government Committee.

(3) Each one of the Heads of Local Government Departments mentioned in paragraph (2) (c) shall also be the secretary of any *ad hoc* Committee of a Local Government Committee which is charged with responsibility for matters relating to the functions of the Local Government Department of which he is the head.

(4) Heads of Government Department mentioned in paragraph (2) (d) shall be *ex officio* members and may be invited to a meeting of a Local Government Committee from time to time as occasions require.

(5) A local government committee may co-opt any other person who appears to it to have experience in rural development to be its member for such meetings or meeting as it may determine.

19. There shall be paid into that part of the Fund established for each Local Government area—

- (a) moneys derived from registration or renewal of registration fees paid by social clubs or Town Unions to a Local Government under this Law;
- (b) donations or gifts from persons or bodies (whether corporate or unincorporate), including proceeds from collections made for the purposes of this Law;
- (c) proceeds from the engagement of the local government committee in agricultural, commercial or other profitable economic ventures;

Sources of money for the Fund at local government level.

- (d) such other moneys as may accrue to the Fund from any other source.

Management of
the Fund at
local
government
level.

20. (1) A Local Government Committee shall, subject to the provisions of this Law, manage and control that part of the Fund established for its Local Government area.

(2) A withdrawal or disbursement from the Fund shall not be made except by the authority of the Local Government Committee.

(3) All moneys comprised in the Fund for a Local Government area shall be deposited in a bank of firm financial standing.

(4) A Local Government Committee may designate an officer in the State public service not below the rank of an Accountant to keep and maintain the account of that Local Government Committee.

Application of
the Fund at
local
Government
level.

21. Subject to other provisions of this Law, the moneys comprised in the Fund at a Local Government area shall be applied by a Local Government Committee for the development or execution of commercial, industrial or agricultural project in any place within that Local Government area.

Functions of a
Local
Government
Committee.

22. A Local Government Committee shall —

- (a) collate such projects as are intended or proposed for execution by communities in the Local Government area and advise and make recommendations to the Authority on whether or not any such projects should receive Government assistance and, if so, on the nature and quantum of assistance that may be given in relation thereto;
- (b) carry out enlightenment campaigns in order to stimulate the consciousness, and sustain the interest of the people in the Local Government area to embark on the fully participate in rural development;
- (c) superintend the performance and activities of such Department Area Committee as may be established in the Local Government area as well as supervise the projects that are being executed by communities in the Local Government area pursuant to this Law;

- (d) maintain and keep in a good state of repair at all times all such roads as are in the rural areas of the Local Government area;
- (e) prepare work-schedules to regulate the use of plant or equipment supplied by Government such as tractors, graders, and bulldozers by persons or bodies in the Local Government area who may require such equipment for any purpose relating to rural development;
- (f) engage or participate in agricultural, commercial or other economic venture with a view to making profit and securing employment for persons who are not otherwise employed in the Local Government area;
- (g) from time to time as occasion demands, make appeals for donations or contributions, in money or in kind, for the purpose of the Fund in the Local Government area to persons or bodies within or without the Local Government area and make arrangement for all collections arising therefrom;
- (h) keep and maintain books, records and accounts of its other activities;
- (i) identify the priorities of the Local Government area in terms of projects and other facilities, and advise the Authority accordingly.

23. (1) Any community which at the commencement of this Law has not instituted a Town Union shall as soon as practicable and in such form and manner as it may determine institute a Town Union for that community.

Every
Community to
have a Town
& Union.

(2) A Town Union existing before, or instituted on or after the coming into force of this Law shall register with the Ministry in such form and under such conditions as the Ministry shall by notice prescribe.

24. (1) Subject to sections 34 of this Law, there is hereby established for each community in a Local Government area of the State a committee to be known as the Town or Village Development Committee.

Establishment
and
composition
Town or
Village
Development
committee

(2) A Town or Village Development Committee shall comprise the following members that is to say —

- (a) the person who is the Chairman of the Town Union instituted by members of the community for which a Town or Village Development Committee is established under this Law which person shall by virtue of his occupancy of the office of the Chairman aforesaid be the Chairman of the Town or Village Development Committee.
- (b) the person who is the Secretary of the Town Union instituted by members of the community for which a Town or Village Development Committee is established under this Law which person shall by virtue of his occupancy of the office of the Secretary aforesaid be the Secretary of the Town or Village Development Committee;
- (c) a representative each of such co-operative societies, women organizations, social clubs and religious organizations in any community as the Commissioner may by notice in the *State Gazette* specify.

(3) The Chairman or Secretary of a Town or Village Development Committee shall hold that office for as long as he remains the Chairman or Secretary, as the case may be, of the Town Union referred to in subsection (2).

(4) Appointment of members under subsection (2) shall as far as practicable, be made in such manner as to ensure that each ward or other unit comprised in any community is represented by a member.

Recognized
chief to
address
inaugural
meetings of
Committee

25. (1) At every first meeting in each year of a Town or Village Development Committee (hereinafter referred to as the "inaugural meeting"), the recognized chief of the community for which that Town or Village Committee is constituted shall address the inaugural meeting thereof and shall in his address, among such other matters as he may consider fit to dwell upon, provide guidelines on choice and mode of implementation of projects by that Committee for the year in question.

(2) In any deliberations of the Town or Village Committee during or following an inaugural meeting, the issues raised in the address made by the recognized chief pursuant to subsection (1) shall be given due consideration.

26. (1) Where it appears to the Commissioner from the petitions or representations made to him or from other evidence made available to him or at his disposal—

Commissioner
may dissolve
Town Union
and set up
Caretaker
Committee.

- (a) that the continued existence of a Town Union —
 - (i) is not in the interest of the peace or progress of the community for which it is instituted; or
 - (ii) adversely affects the rural development efforts or programme of the Government or of the community for which it is instituted; or
- (b) that there exist two or more factions, or that there is an unhealthy rivalry among the members or in the leadership of a Town Union thereby making the realization of the purposes of this Law difficult or impossible;

he may by notice under his hand dissolve the Town Union concerned.

(2) A Town Union dissolved under subsection (1) shall not be reconstituted unless the Commissioner, being satisfied that the irregularity on account of which the Town Union was dissolved has been rectified, by notice under his hand, direct that it be reconstituted.

(3) On the dissolution of a Town Union pursuant to this section, the Commissioner shall constitute in its place a Caretaker Committee comprising such number of persons as the Commissioner may determine and the members of the Caretaker Committee so constituted shall, until the dissolved Town Union is reconstituted in accordance with subsection (2), carry out the functions or activities of the Town Union under this or any other Law or under the constitution, rules or regulations, as the case may be, of the town Union.

(4) The Chairman and the Secretary of the Caretaker Committee shall on being appointed by the Commissioner become the Chairman and Secretary respectively of the Town or Village Development Committee and shall continue to occupy the latter positions for as long as they remain Chairman and Secretary of the Caretaker Committee.

27. Any person who—

- (a) obstructs or interferes with or otherwise constitutes an impediment to any member of a Caretaker Committee constituted under this Law in the execution of the

Penalty for
obstructing
Caretaker
Committees.

function of such member; or

- (b) sets up a rival Town Union or Caretaker Committee; or
- (c) aids and abets the setting up of a rival Town Union or caretaker Committee;

shall be guilty of an offence and shall on conviction be liable to a fine of one thousand naira or to imprisonment for six months or to both such fine and imprisonment and in the case of subsequent or continuing offence to imprisonment for six months without the option of fine for each such offence.

Sources of money for the Fund at town or village level.

28. There shall be paid into that part of the Fund established for each community in a Local Government area of the State—

- (a) the proceeds of collections made for the purpose of this Law in or from a community;
- (b) any grants or subsidies made by the Government or a local government specifically for a project in a community;
- (c) such money as may be donated or contribution for the purpose of the Fund by a social club or other organizations;
- (d) any grants, donations or other payments to the Fund by any other person or body.
- (e) such other moneys as may accrue to the Fund from any other source.

Management of the Fund at town or village level.

29. (1) A Town or Village Development Committee shall, subject the provisions of this Law, manage and control that part of the Fund established for any community.

(2) A withdrawal or disbursement from the Fund shall not be made except by the authority of the Town or Village Committee.

(3) All moneys comprised in the Fund for a community shall be deposited in a bank of firm financial standing and where there is no bank located in any community such moneys shall be deposited in any bank nearest to that community.

(4) A Town or Village Committee may designate any person who is resident in the community and who has a good or working knowledge of accounting to keep and maintain the account of that Town or Village Committee.

30. (1) The books, records and accounts of a Town or Village Committee including its other activities shall be subject to inspection or examination at any time by a Community Development Inspector.

Inspection of records, etc., at town or village level.

(2) A Community Development Inspector may, while on an inspection, ask such questions or seek such information relating to the records of collection or disbursement of moneys or with respect to other activities of a Town or Village Committee under this Law as he thinks fit and shall be entitled to receive answers to such questions or be given such information.

(3) Where a Community Development Inspector considers it desirable, having regard to an inspection that he had carried out under this section, he may recommend to the appropriate Local Government through the Secretary thereof that an audit inspection or inquiry be instituted or carried out in respect of the accounts of a Town or Village Committee.

31. (1) Subject to the provisions of this Law the moneys comprised in the Fund for a community shall be applied by a Town or Village Committee established for that community in the development or execution of commercial, industrial or agricultural projects in that community,

Application of the Fund at town or village level.

(2) A Town or Village Committee or a Development Area Committee shall not embark on the development or execution of any project unless it has held consultations with, and received the advice or approval of the appropriate Local Government Committee regarding such project; but where—

- (a) such advice or approval is not given or received within three months from the date of the consultations as aforesaid; and
- (b) the project is one that is not a subject of controversy among the members of the appropriate Committee or in the community,

the Town or Village Committee or a Development Area Committee, as the case may be, shall proceed to develop or execute the project as it considers fit.

Functions of a town or village Committee.

32. A Town or Village Committee shall—

- (a) collate and co-ordinate such projects as are intended or proposed for execution by social clubs and other organizations in the community and, having regard to the overall needs and priorities of the community decide on which of those projects it shall approve for execution;
- (b) select one of their number to represent that Committee in the appropriate Local Government Committee;
- (c) subject to the provision of section 31 (2) of this Law, develop or execute in the community such projects as may be approved by it;
- (d) encourage each social club or other organization in the community to initiate and execute projects which shall be of benefits to all residents of the community;
- (e) from time to time as occasions demand, make appeals for donations or contributions in cash or in kind for the purpose of the Fund to persons or bodies within or without the community and make arrangements for all collections arising therefrom.
- (f) keep and maintain books, records and accounts of its collections and of its other activities;
- (g) generally to identify the priorities of the community in terms of projects and other facilities, and advise the appropriate Local Government Committee accordingly;
- (h) supervise the projects that are being executed pursuant to the purpose of this Law by social clubs and other organization in the community.

33. A Town or Village Committee shall render to the Authority through the appropriate Local Government Committee returns, after every period of three months, of its activities for that period, including—

Accountability
at the town or
village level

- (a) details of payments into and disbursements from the Fund;
- (b) reports relating to the situation of projects being executed by social clubs and other organizations in the community.

34. (1) Any Local Government, not being a Local Government whose headquarters is the seat of a Zonal Committee, may with the consent and approval of such Town or Village Committees as are willing and able to work in concert, arrange to have and establish in its area of authority at least three but not more than seven Development Area Committees.

Establishment
of the
development
area
committee

(2) A Development Area Committee shall be made up of at least two but not more than six Town or Village Development Committees which are established in communities—

- (a) that are contiguous;
- (b) whose citizens may have some cultural affinity;
- (c) whose representatives agree to embark on joint projects for the benefit of their citizens;
- (d) whose combined population is not, in the opinion of the Chief Executive of the appropriate Local Government, unwieldy for the purpose of effective development of such communities by a Development Area Committee;
- (e) which individually do not have the ability to meet the financial requirements of effective rural development.

35. (1) A Development Area Committee shall be composed of the members of the Town or Village Development Committees constituting it.

Composition
of
Development
Area
Committee

(2) The chairmanship of a Development Area Committee shall in the alphabetical order of the names of communities which that Committee represents, rotate among the Chairmen of the Town or Village Committees constituting that Development Area Committee.

so however that each Chairman shall be in office for a period that he is in office and the seat of the Development Area Committee shall be the community which that Chairman, for the time being in office represents.

(3) The office of the Secretary to a Development Area Committee shall, in the alphabetical order of the names of communities which that committee represents, rotate among the Secretaries of the Town or Village Committees constituting that Development Area Committee, so however that each Secretary shall be in office for a period of two years.

(4) A Development Area Committee may co-opt any other person who appears to it to have experience in rural development to be its member for such meeting or meetings as it may determine.

Functions of
Development
Area
Committee.

36. A Development Area Committee shall—

- (a) collate and co-ordinate all such projects as are intended or proposed for execution by communities whose interest it represents and, having regard to the overall needs and priorities of such communities, decide on which of those projects it shall approve for execution;
- (b) subject to the provision of section of section 31 (2) of this Law, develop or execute in the communities whose interests it represents such projects as may be approved by it.
- (c) seek for and obtain the advice of the Advisory Committee of Chiefs established under section 45 with respect to any matter relating to rural development;
- (d) encourage each community whose interest it represents to initiate and execute projects which shall be of benefit to all residents of such community;
- (e) keep and maintain books, records and accounts of its collections and of its other activities;
- (f) supervise the projects that are being executed pursuant to the purposes of this Law by the communities whose interests it represents;
- (g) carry out such other functions with respect to the communities whose interests it represents as a Town or Village Committee may lawfully perform under this Law

37. The Secretary of a Committee or of the Authority, as the case may be, shall—

Secretary of a committee or the Authority

- (a) conduct the correspondence of the Committee or the Authority and keep record of such correspondence;
- (b) take and keep record of the proceedings of the Committee or the Authority; and
- (c) perform such other duties of administrative or other character as the Committee or the Authority may assign to him.

38. (1) Subject to subsection (3) of this section, the Chairman of a Committee or of the Authority shall summon a meeting of the Committee or the Authority whenever he considers it necessary to do so; provided that a Committee or the Authority shall hold at least four meetings in any year.

Meetings of a Committee or the Authority.

(2) At a meeting of a Committee or of the Authority—

- (a) the Chairman shall preside;
- (b) every matter shall be decided by a simple majority of votes of the members present and voting;
- (c) where there are equal votes, the person presiding at such meeting shall have a second or casting vote.

(3) Members representing at least one quarter of the total membership of a Committee or the Authority may by notice in writing signed by them request the Chairman to summon a special meeting of the Committee or the Authority, as the case may be, for the purpose set out in such notice and the Chairman shall thereupon call a special meeting.

(4) Where at any meeting of a Committee or of the Authority the Chairman is absent the members present at the meetings shall elect one of their number to preside at the meeting and the person so elected shall have all the powers and privileges of the Chairman at that meeting.

PART IV—OTHER BODIES CONNECTED WITH THE FUND

Establishment
of the State
Rural
Development
Council.

39. (1) There is hereby established for the State a body to be known as the State Rural Development Council which shall comprise the following members—

- (a) the Governor who shall be the Chairman;
- (b) all Commissioners of the State Government;
- (c) persons who for the time being are the chief executive of Local Governments;
- (d) persons who are chairmen of corporations which are established or deemed to be established by State Laws;
- (e) persons who are chairmen of companies that are resident in the State in respect of which the State Government has all or majority of the shareholdings;
- (f) persons who are chairmen of bodies established for the State by the Constitution of the Federal Republic of Nigeria, 1999;
- (g) the Permanent Secretary of the Ministry charged with responsibility for matters relating to rural development who shall be the Secretary to the Council.

(2) A person who is—

- (a) a Permanent Secretary in any State Government Ministry or Department or his representative, except the Permanent Secretary mentioned in paragraph (g) of subsection (1); or
 - (b) the chief executive of any such corporation as is mentioned in paragraph (d) of subsection (1), or his representative; or
 - (c) the chief executive of any such company as is mentioned in paragraph (e) of subsection (1), or his representative; or
 - (d) the chief executive of any such body as is mentioned in paragraph (f) of subsection (1), or his representative;
- shall attend the meetings of the Council in the capacity of an adviser

40. The Council shall —

- (a) formulate and co-ordinate policies and programmes in relation to the effective development of the rural areas of the State;
- (b) from time to time, review the execution of the policies and programmes laid down or made by it on rural development and in the light of such review issue, if necessary, directives to appropriate bodies established under this Law for implementation;
- (c) do such other acts or things as are, in its opinion necessary for or conducive to the realization of the purposes of this Law.

Functions of
the State Rural
Development
Council.

41. The meetings of the Council shall be held at such times and in such place or places as the Governor may direct; so however that such meetings shall be held at least four times in a year.

Meetings of
the Rural
Development
Council.

42. (1) There is hereby established for each Local Government area in respect of which a Local Government Rural Development Committee has responsibility under this Law a body to be known as the Traditional Rulers Advisory Council.

Establishment
and
composition of
Traditional
Rulers
Advisory
Council

(2) The Traditional Rulers Advisory Council shall comprise all recognized chiefs within a Local Government area in respect of which a Local Government Committee has responsibility under this Law.

(3) The chairmanship of Traditional Rulers Advisory Council shall, in the alphabetical order of the names of communities in respect of which the members of the Advisory Council are the chiefs rotate among the members so however that each chairman shall hold office for a period of two years.

43. (1) The meeting of the Traditional Rulers Advisory Council shall be held at any time at the instance of its chairman; provided that such meetings shall be held at least four times in a year.

Meetings of
the Advisory
Council.
Functions of
the Advisory
Council.

(2) The meeting of the Advisory Council shall be held at the headquarters of Local Government area in any suitable place designated in that behalf by the person who for the time being is the Chief Executive of that Local Government.

(3) A staff of the Local Government not below the rank of an Executive Officer may be appointed by the Chief Executive of that Local Government to act from time to time, as occasions demand, as the Secretary to the Advisory Council.

Functions of the
Advisory
Council.

44. The Traditional Rulers Advisory Council shall —

- (a) advise a Local Government Committee on any matter relating to, or in connection with, the development of the rural areas of the Local Government area for which that Committee has responsibility;
- (b) undertake enlightenment campaigns in order to stimulate the consciousness, and sustain the interest, of the people in the Local Government area to embark on and fully participate in rural development.

Establishment
and composition
of Advisory
Committee of
Chiefs.

45. (1) There is hereby established for each area in respect of which a Development Area Committee has responsibility under this Law a body to be known as the Advisory Committee of Chiefs.

(2) An Advisory Committee of Chiefs shall comprise all recognized chiefs within an area in respect of which a Development Area Committee has responsibility under this Law.

(3) The chairmanship of the Advisory Committee of Chiefs shall, in the alphabetical order of the names of communities in respect of which the members of that Advisory Committee of chiefs are the chiefs, rotate among the members so however that each chairman shall hold office for a period of one year.

Meetings of the
Advisory
Committee of
Chiefs.

46. (1) The meeting of the Advisory Committee of Chiefs shall be held at any time at the instance of the person who for the time being is its chairman; provided that such meetings shall be held at least four times in a year.

(2) The Meetings of the Advisory Committee of Chiefs shall be held at such place as the person who for the time being is its chairman may from time to time direct.

(3) A suitable staff of the appropriate Local Government may be appointed by the Chief Executive of that Local Government to act from time to time, as the Secretary to an Advisory Committee of Chiefs.

PART V—COLLECTIONS FOR THE PURPOSES OF THE FUND

47. Notwithstanding the provisions of any other Law, it shall be lawful for a Committee to make an appeal to the public or any part or class thereof for donations in cash or kind for the purpose of the development of any rural area of the State (hereinafter referred to as "collection").

Appeals for
Donations by
Committee etc.

48. (1) Any Committee may authorize any number of fit and proper persons to assist it in making a collection.

Collector s.

(2) Each collector shall be issued by the Secretary to a Committee with a certificate of authority which shall specify fully and accurately the stated object of the collection, and a collector shall produce his certificate of authority on demand to any police officer in uniform or to any person to whom he has made an appeal for a donation.

49. (1) A certificate of authority issued to all collectors pursuant to subsection (2) of section 48 shall be as in Form A set out in the First Schedule.

Certificates of
authority: First
Schedule (Form
A)

(2) Every Secretary to a Committee shall exercise all due diligence to secure that every certificate of authority issued by such Secretary is returned when the collection is completed or when for any other reason a collector ceases to act as such.

50. Every collector shall—

- (a) sign his name or make a mark attested by two witnesses on the certificate of authority issued to him; and

Duties of
Collectors in
relation to
Certificates.

- (b) keep such certificate in his possession and return it to the Secretary on replacement thereof or when the collection is completed, or at any other time on the demand of the Secretary.

Duties of accountants in relation to money collected.

51. A person responsible under this Law for keeping and maintaining the account of a Committee shall—

- (a) exercise all due diligence to ensure that all the money collected is brought to account; and
- (b) upon receiving from a collector the proceeds of a collection forthwith, enter or cause to be entered in a form of receipt in a receipt book and on corresponding counterfoil or duplicate the date, the name of the collector and the amount collected, and shall sign the form of receipt and hand or send it to the collector.

Duties of collectors in relation to money collected

52. Every collector shall —

- (a) ensure that all the money collected is accounted for to the Committee by which he was appointed; and
- (b) if so requested by any person from whom he has received a donation, sign and hand to that person a receipt for the donation.

Collections at meetings.

53. (1) Where money is collected at a meeting, whether public or private, which is organized or summoned by a Committee, the chairman of that meeting or a collector shall announce the result of the collection before the meeting disperses and the person responsible under this Law for keeping and maintaining the account of that Committee shall enter or cause to be entered in a record the amount collected which shall be certified by two members of that Committee not being the Chairman or the Secretary thereof.

(2) The record mentioned in subsection (1) shall form part of the accounts which a Committee established under this Law is required to keep for the purposes of the Fund.

54. A Committee established under this Law shall, if it thinks fit, determine any amount which it may call upon any resident or indigene of a community or a social club or any other body to pay or contribute to or for the purpose of the Fund and proceed to collect the amount from such resident, indigene, social club or body.

Imposition of
levies

55. (1) Any amount determined by a Committee as payable by any person, social club or body under this Law shall be due and payable by that person, club or body not later than sixty days after a demand, in writing, for the payment of the amount has been made by that Committee.

Demand for
payment.

(2) A demand for payment of any amount under subsection (1) shall be as in Form B of the First Schedule and shall be delivered personally to the person upon whom payment is demanded or may, where personal delivery is impracticable, be —

First
Schedule
(Form B)

- (a) posted on any conspicuous place at the residence or the last known place of abode of the person; or
- (b) published in the State Official *Gazette*.

56. (1) Where after the expiry of the period mentioned in subsection (1) of section 55 an amount duly demanded in accordance with subsection (2) of that section remains unpaid by the person upon whom the demand has been made the amount so remaining unpaid shall be a debt accruing from that person to the Fund.

Amount in
default to
constitute a
debt after
demand.

(2) Where a debt accrues against any person by virtue of subsection (1) the Committee shall have a lien on any property of the person, and may for purposes of recovering the debt distrain on such property.

(3) Any property which is distrained pursuant to subsection (2) may, after fourteen days notice of sale by the Committee to the debtor, be sold by public auction.

(4) A notice of sale shall be as in Form C of the First Schedule and shall be served on the debtor in the same manner as a demand for payment under subsection (2) of section 55 in served.

First
Schedule
(Form C)

(5) The proceeds of a sale under this Law shall be applied in settlement of the debt, and shall be paid into the Fund by the Committee after deduction the expenses of sale and other reasonable expenses and any balance from such proceeds shall be paid over to the debtor.

Appeal
against
demand.

57. (1) Any person upon whom a demand for payment of an amount has been made by the Committee pursuant to subsection (1) of section 55 and who objects to the demand on the ground that he cannot afford the amount demanded, may within fourteen days of the receipt of demand notice, appeal to the Authority.

(2) An appeal shall not lie under subsection (1) unless the appellant has first deposited with the Committee at least half of the amount which has been demanded of him by the Committee.

(3) Where the Authority decides an appeal in favour of the appellant, it may order the refund to him of the amount deposited under subsection (2) or make such further order as the justice of the matter may require.

(4) A further appeal shall lie to the High Court within thirty days of any decision or order of the Authority.

Definition
of
Committee.

58. In this Part of this Law, "Committee" means—

- (a) a Local Government Development Committee; or
- (b) a Development Area Committee; or
- (c) a Town or Village Committee.

PART VI—REGISTRATION OF CERTAIN ORGANIZATIONS

Social Clubs
and Town
Unions to be
registered.

59. (1) Every social club or Town Union shall, where its existence, functions or activities—

- (a) are limited or confined to any particular community in a Local Government area of the State, be registered or have its registration renewed annually with the Local Government having jurisdiction in the area in accordance with the provisions of this Law.

- (b) are not limited or confined to any particular community in a Local Government area of the State but has a branch thereof in any other part of the State or outside the State be registered or have its registration renewed annually with the Ministry in accordance with the provisions of this Law.

(2) Every social club or Town Union existing and functioning in any community at the time of commencement of this Law shall within sixty days after the coming into force of this Law be registered by the principal officers thereof in accordance with the provisions of this Law.

(3) Every social club or Town Union which is formed or comes into existence on or after the commencement of this Law shall within thirty days following its formation or coming into existence be registered by the principal officers thereof in accordance with the provisions of this Law.

(4) The registration under this Law of a social club or Town Union shall be renewed annually by the principal officers of that social club or Town Union in accordance with the provisions of this Law.

60. (1) The Chief Community Development Inspector in the Ministry shall be the registrar who is responsible for the registration of social clubs and Town Unions which are required under this Law to register or renew their registration with the Ministry.

Registrar of
social clubs or
Town Unions.

(2) The Secretary to a Local Government shall be the Registrar who is responsible for the registration of social clubs and Town Unions which are required under this Law to register or renew their registration with that Local Government.

61. It shall be the duty of the Registrar —

- (a) to issue or cause to be issued application forms for registration or for renewal of registration of a social club or Town Union;

Functions of
the Registrar.



- (b) to register a social club or Town Union by signing under his hand a certificate of registration or of renewal of registration of that social club or Town Union.
- (c) to issue or cause to be issued a certificate of registration or of renewal of such registration duly signed in accordance with paragraph (b) of this section;
- (d) to receive or cause to be received all fees payable for registration or renewal of registration of a social club or Town Union under this Law;
- (e) to carry out such other duties as may be imposed on him by this Law or any subsidiary legislation made thereunder.

Method of
registration
and renewal:
Second
Schedule
(Form A and
B).

62. (1) The Registrar shall register or renew the registration of a social club or Town Union where an application form as in Form A of the Second Schedule, in the case of application for registration, or Form B of the Second Schedule, in the case of application for renewal of registration, has been duly completed and submitted to him and he is satisfied that—

- (a) the particulars supplied on behalf of the social club or Town Union are correct, adequate and authentic; and
- (b) the relevant fee prescribed in a subsidiary legislation made hereunder has been paid for or on behalf of the social club or Town Union.

(2) Application forms for registration or renewal of registration of a social club or Town Union shall be obtained from the Registrar free of charge.

Certificates of
Registration:
Third
Schedule.

63. (1) Upon registration or renewal of registration of a social club or Town Union in accordance with the provisions of section 62, the registrar shall issue on behalf of that social club or Town Union a certificate in the appropriate form prescribed in the Third Schedule to this Law.

(2) A duplicate or counterpart of a certificate of registration or of the renewal of registration shall be preserved in the office of the Registrar.

PART VII—MISCELLANEOUS

64. (1) Subject to other provisions of this Law, a social club may organize collections among its members for the purposes of this Law.

Social Clubs etc. may organize collections for rural development

(2) The Committee or social club shall ensure that—

- (a) records of all collections are kept;
- (b) all collections are accounted for;
- (c) collections are applied specifically to the purpose of this Law.

65. (1) The Authority shall at any time it considers suitable in the month of December or January of each year designate a period of one week as a community development week.

Community development week.

(2) The Authority shall draw up a programme for the celebration of the community development week which programme shall include the organization of rallies, lectures or seminars aimed at awakening and sustaining the interest of the people of the State in rural development efforts.

66. The Authority shall, after consultation with the Committees, make recommendations to the Governor with respect to any rewards or commendations which may be offered or given to any person, community, social club, Town Union or any other body who or which makes sizeable donations, contributions or other payments to the Fund or who or which otherwise distinguished himself or itself in the development efforts of any community.

Rewards for development efforts.

67. No Community Development Inspector or member, servant or agent of the Authority or of any Committee established by this Law shall be liable for any act done or omission made in good faith—

Limitation of action.

- (a) pursuant to any provisions of this Law;
- (b) pursuant to or in execution of any other written law; or
- (c) in carrying out any public duty or authority.

68. Any person who—

Obstructing collections.

- (a) dissuades or prevents any other person, a community or social club from making or paying a donation, contribution or other money to or for the purposes of the Fund;
- (b) obstructs or conspires with any other person to obstruct any collection of money where such collections are made for the purposes of the Fund;
- (c) does anything capable of obstructing or calculated to obstruct any collection of money for the purposes of the Fund;

is guilty of an offence and is liable on conviction to a fine of five hundred naira or imprisonment for one year or to both such fine and imprisonment.

Dishonesty
by a
Committee
member or a
collector.

69. (1) Any servant, agent or member of the Authority or a Committee who—

- (a) fails to pay over to the Fund or to otherwise account for any money paid to him or received by him for the purposes of the Fund under the provisions of this Law;
- (b) converts to his own use or to the use of any other person, any money paid to or received by him for remittance to the Fund;
- (c) conspires with any other person to commit any offence mentioned in paragraph (a) or (b) of this subsection;

is guilty of an offence and liable on conviction to a fine of one thousand naira or imprisonment for two years or both such fine and imprisonment.

(2) A collector who—

- (a) fails to pay over to the Committee by which he is appointed under this Law or to otherwise account for any money paid to him or received by him for the purposes of the Fund;
- (b) converts to his own use or to the use of any other person, any money paid to or received by him for remittance to the Committee for the purposes of the Fund;
- (c) conspires with any other person to commit any offence mentioned in paragraph (a) or (b) of this subsection.

is guilty of an offence and liable on conviction to a fine of one thousand naira or imprisonment for two years or both such fine and imprisoning.

(3) A prosecution under subsection (1) or (2) shall not operate as a bar to any civil action that may be instituted by the Authority or members of a Committee against any person for recovering any amount under this Law.

70. Where a social club or Town Union is not registered by the principal officers thereof in accordance with the provisions of this Law, every such principal officer shall be guilty of an offence and on conviction shall be liable to a fine of one hundred naira, and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding five naira for every day in which the offence is so continued.

Failure to
register a
social club or
Town Union.

71. Where the principal officers of a social club or Town Union registered under this law fail to renew the registration of that social club or Town Union as provided in this Law, every such principal officer shall be guilty of an offence and on conviction shall be liable to a fine of one hundred naira; and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding five naira for every day in which the offence is so continued.

Failure to
renew
registration.

72. (1) The Authority may make regulations providing for all or any of the matters necessary to be provided for under this Law for purposes of giving effect to the provisions of this Law and, without prejudice to the generality of the foregoing, may by such regulation—

Regulations

- (a) provide for other matters relating to meetings including the quorum and rules applicable to meetings of the Authority or of a Committee;
- (b) prescribe the books, records and accounts which shall be kept or maintained by the Authority a Committee, a social club or a Town Union and the manner of keeping or maintaining them;

- (c) provide for the inspection or auditing of the books, records and accounts of the Authority, a Committee, a social club or a Town Union;
- (d) provide for the manner of making remittances to the Fund;
- (e) prescribe the fees payable for the registration or renewal of registration of a social club or Town Union under this Law;
- (f) provide for the use of authorized receipt in connection with collections made under this Law.

(2) Until any regulations are made by the Authority pursuant to subsection (1), the Governor may provide or prescribe in such manner as he considers fit for the matters which under this Law are required to be provided for or prescribed by regulations.

FIRST SCHEDULE

FORM A

[(Section 49 (1)]

COLLECTOR'S CERTIFICATE OF AUTHORITY

.....
 (Here insert name of collector in capital letters)
 of
 (Here insert address of collector)
 is hereby authorized to collect for
 (Here insert the purpose of the collection)

 in
 (Here insert the area within which the collector is authorized to collect)

 during the period
 (Here insert the period during which the collector is authorized to collect)

 Dated this day of 20.....

(Signed)

Secretary

Signature or mark of collector

Signature or mark of witnesses (1)

(2)

FORM B

(Section 55 (2))

DEMAND FOR PAYMENT

The Local Government Development Committee/Development Area Committee/Town or Village Development Committee *in Local Government area/community* has determined that you pay to the Committee for the purposes of the Fund for Rural Development Law, the sum of naira (N) in respect of the period to

2. This is to require you to the Committee or otherwise pay into the Fund the said sum of naira (N) not later than sixty days for the date hereof.

3. TAKE NOTICE that if you fail to comply with the requirement of paragraph 2, the Committee shall take appropriate measures under Fund for Rural Development Law to recover the amount as a debt accruing from you to the Fund without any further demand notice to you.

DATED the day of, 20

.....
Secretary to the Committee

To:
.....
.....
.....

*(delete that which is not applicable)

FORM C

(Section 56(4))

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that

.....
..... (Description of property to be sold)
shall on day of 20..... at the hour of nine o'clock
in the forenoon at be sold in accordance with the provisions of the Fund for rural
Development Law.

DATED at the day of 20

.....
Bailiff/Licensed Auctioneer.

SECOND SCHEDULE

FORM A

(Section 62 (1))

FORM FOR APPLICATION FOR REGISTRATION OF A SOCIAL CLUB/TOWN UNION LOCAL GOVERNMENT AREA

1. Name of Social Club/Town Union*
2. Name and address of Chairman/President*
3. Name and address of Secretary
4. Name of community or town where the Social Club/Town Union usually operates
5. Has the Social Club/Town Union any branches?
6. If answer to 9.5) is yes, list the branches and the names and addresses of the Chairman and each Secretary thereof
7. Address to which notices in relation to the application shall be sent
8. Registration fee paid, Receipt No. and Date

DECLARATION

I/We* hereby declare that the foregoing particulars are to the best of my/our knowledge, information and belief correct, and I/We undertake to notify the Registrar of any change that may hereafter occur in any of the particulars.

DATED at this day of 20

.....
Signature of Applicant(s)

for and on behalf of

Social Club/Town Union*

(*Delete that which is not applicable.)

SECOND SCHEDULE

FORM

(Section 62 (1))

FORM FOR APPLICATION FOR RENEWAL OF REGISTRATION OF A SOCIAL CLUB/TOWN UNION

1. Name of Social club/Town Union*
2. Name and address of Chairman/President*
3. Name and address
4. Date of original registration
5. Registration Certificate No
6. Date of last renewal
7. Renewal fee paid, receipt No. and Date

DECLARATION

I/We* hereby declare that the foregoing particulars are to the best of my/our knowledge, in formation and belief correct, and I/We undertake to notify the Registrar of any change that may occur in any of the particulars.

DATED at this day of 20

.....
Signature of Applicant(s)

for and on behalf of

Social Club/Town Union*

(*Delete that which is not applicable.)

THIRD SCHEDULE

FORM A

(Section 63 (1))

CERTIFICATE OF REGISTRATION

No
This is to certify that Social Club/Town Union has this day been
registered in accordance with the provisions of the Fund for Rural Development Law.

ISSUED at this day of 20

.....
Registrar

FORM B

(Section 63 (1))

RENEWAL OF CERTIFICATE OF REGISTRATION FOR THE YEAR

No
The Certificate of Registration No dated
..... and issued in respect of
..... Social Club/Town Union is hereby
renewed for the period 1st January, 20 to 31st December, 20 renewed at
..... this day of 20

.....
Register

