



ABIA STATE OF NIGERIA

**THE ABIA STATE PUBLIC PRIVATE PARTNERSHIP
AND INVESTMENT PROMOTIONS
LAW, 2015**

LAW NO. 17 OF 2015

**THE ABIA STATE PUBLIC PRIVATE PARTNERSHIP AND
INVESTMENT PROMOTIONS LAW, 2015**

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ABIA STATE OF NIGERIA

**THE ABIA STATE PUBLIC PRIVATE PARTNERSHIP AND
INVESTMENT PROMOTIONS LAW, 2015**

LAW NO. 17 OF 2015

GENERAL PROVISIONS

Long Title

A Law to Establish the Abia State Public Private Partnership and Investment Promotions Office and for other matters connected thereto.

Enactment

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

PART I: PRELIMINARIES

**Citation &
Commencement**

1. This Law may be cited as the Abia State Public Private Partnership and Investment Promotions Law, 2015 and shall come into force on the 14th day of December, 2015.

Interpretation

2. In this Law, except otherwise stated:

“Authorized Person” includes a Police Officer, Public Infrastructure Inspector, designate officials of the Office and such other person as the Office may from time to time appoint;

“Concession” means the right of economic exploitation of land, assets and rights granted pursuant to an agreement under this Law;

“Concessionaire” means the person or organization with whom a concession agreement concerning Public Private Partnership arrangement has been entered into pursuant to this Law;

“Concession Agreement” means any agreement between the State Government and any person, firm, company or limited liability partnership for the construction, maintenance, operation or management of public infrastructure, assets and facilities over an agreed period of time, including but not limited to the following types of agreements –

- (i) Design, Build, Operate and Transfer (DBOT)
- (ii) Build, Own, Operate and Transfer (BOOT)
- (iii) Rehabilitate, Operate and Transfer (ROT)
- (iv) Joint Development Agreement (JDA); or
- (v) Operation and Maintenance (OM).

“**Commissioner**” means the Commissioner for Finance, Abia State or any person charged with the responsibility to oversee the Ministry of Finance;

“**Council**” means Public Private Partnership and Investment Promotions Governing Council;

“**Governor**” means the Governor of Abia State.

“**Government**” means Abia State Government

“**Government Agency**” means a Department, attached Department of the Government, a Local Government or a body corporate owned or controlled by the Government or a Local Government;

“**House**” means Abia State House of Assembly

“**Person**” means an individual and shall include a limited liability company, a limited liability partnership or any organization duly registered under the Companies and Allied Matters Act 1990;

“**Plan**” means a technical working drawing, which shows the design of a project;

“**PPP Agreement**” means any form of concession agreement or contract between the public sector represented by a Government Agency and a private party for the provision of an infrastructure or facility or service through a project and includes a contract described in the Schedule to this Law;

“**PPP**” means a commercial agreement between a Government Agency and private party pursuant to which the private party:-

- (i) undertakes to perform a public function, provides a public service or develops use of a public property on behalf of a Government Agency by, amongst other things, designing, constructing, financing, operating, marketing or maintaining such public property; and
- (ii) assuming substantial financial, technical, operational or environmental risks on connection with the performance of such a public function or provision of such public services or use a public property; and

“**Preferred Mandate**” is a document issued in favour of a successful pre-qualified bidder.

“**Project Agreement**” means an agreement between the Office and Private Participant selected by the Office (and the State) to carry out Public Private Partnership, including but without limiting the generality of the foregoing, concessions, leases, management contracts, other forms of agreements with private sector entities, technical assistance contracts, consulting services contracts, franchises and regulatory agreement;

“**Public Asset**” includes the right of use of any property or economic opportunity of a public nature or arising from use of public property;

“**Public Infrastructure**” includes public facilities and amenities including roads, bridges, highways, rail lines, water transportation facility, public water works, housing, electric power stations, hospitals, recreational parks, motor parks, waste disposal facility, amusement centers, and any other infrastructure or amenities for public use;

“**Rehabilitation**” means major repairs or maintenance requiring some changes in design or a form of re-construction of infrastructure or asset to add strength, thus renewing or extending the life span.

“**Road**” includes:

- (1) roads, the subject of project agreement;
- (2) the roadways, water table, bridges and fording on the line of the road.
- (3) the land on each side of the roadway and water up to the boundary of the road;
- (4) all traffic lanes, acceleration lanes, shoulder, median strips, overpasses, underpasses, interchanges, approaches, entrance, and exit ramps, service areas, maintenance;
- (5) any other areas on or adjacent to any public main road or parochial road, waterway, railway or other routes used for public passenger transport; and
- (6) any private road designated as a toll under this Law or otherwise developed or conceded pursuant to a concession agreements.

“**Service Charge, User Fee or Toll**” means any fee, charge, levy, due or compensation payable in relation to the use of a public infrastructure or asset by any person;

“**State**” means Abia State of Nigeria;

“**the Office**” means the of Public Private Partnerships and Investment Promotions Office established by this Law.

PART II: ESTABLISHMENT AND COMPOSITION OF THE OFFICE

Establishment of the Office	3.	(1)	There is hereby established an Office to be known as the Public Private Partnerships and Investment Promotions Office (referred to in this Law as "the Office")
Composition of the Office	4.	(1)	(2) The Office shall be a body corporate with perpetual succession and a common seal; may sue or be sued in its corporate name; and may hold and dispose of any movable or immovable property.
		(2)	The Office shall be administered by a Management Committee referred to in this Law as "the Committee"
			The Committee shall comprise of the following members:
		(a)	A Director General/Executive Vice Chairman:
		(i)	a person of impeccable character with a minimum of ten (10) years cognate experience in the relevant field of specialization and registered with the appropriate professional body;
		(ii)	the Chief Executive of the Office and responsible for policy direction of the Office;
		(iii)	a member of the Governing Council; and
		(iv)	a member of the State Executive Council
		(b)	Three other members who shall be persons of integrity and repute drawn from each Senatorial Zone of the State one of whom shall be a woman.
		(c)	A Secretary/Legal Adviser who shall:
		(i)	be a Legal Practitioner of not less than 10 years post call experience.
		(ii)	provide secretariat services to the Office and Committee.
		(iii)	perform all other duties affecting the Office as may be assigned to him by the Management Committee and the Director General.

5. **Appointment of the Director General and other Committee Members**
- (1) The Director General/Executive Vice Chairman and other members of the Management Committee shall be appointed by the Governor on such terms and conditions (including remuneration and allowances) as may be approved by the Governor.
- (2) The appointment of the Director General and other members of the Committee shall be confirmed by the House of Assembly.
6. **Tenure of Office**
- The Director General and other members of the Committee shall hold office for a term of four (4) years in the first instance, and may be reappointed for another term of four (4) years only.
7. **Removal from Office**
- The Director General or any member of the Committee shall cease to hold office if:
- (a) he resigns his appointment in writing; or
 - (b) he becomes bankrupt or makes a compromise with his creditors; or
 - (c) he is convicted of a felony or any offence involving dishonesty or corruption or any other criminal offence; or
 - (d) he becomes incapable of carrying out the functions of his office either arising from an infirmity of the mind or body; or
 - (e) he is removed by the Governor with the consent of the House of Assembly.
8. **Vacancy in Membership of the Management Committee**
- Where a vacancy occurs in the membership of the Management Committee, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest as his predecessor.
9. **Disclosure of Interest**
- Any member of the Committee who has a personal interest in any partnership or transaction entered into or proposed to be considered by the Committee shall declare his interest to the Committee and shall neither participate nor vote on any deliberation relating to such partnership or transaction.
10. **Appointment of other Staff of the Office**
- (1) The Committee shall recommend for the approval of the Council the appointment, redeployment or secondment of such number of employees as may be expedient for the proper and efficient performance of the functions of the Office.

- (2) The terms and conditions of service (including remunerations, allowances, benefits and pensions) of the employees of the Office shall be as determined by the Council from time to time in consultation with the State Civil Service Commission.

**PART III: ESTABLISHMENT, COMPOSITION, POWERS AND
PROCEEDINGS OF THE GOVERNING COUNCIL**

**Establishment of
the Governing
Council**

11. There is hereby established the Public Private Partnership and Investment Promotions Governing Council (in this Law referred to as “the Council”)

**Composition of
the Council**

12. The Council shall consist of the following:
- (a) The State Governor, who shall be the Chairman;
 - (b) The Director General who shall be the Vice Chairman
 - (c) The Secretary to the State Government (SSG) who shall be the Secretary of the Council.
 - (d) The Attorney General/Commissioner for Justice of Abia State.
 - (e) The Commissioner for Finance, Abia State.
 - (f) The Commissioner for Trade and Investment, Abia State.
 - (g) The Commissioner for Industries, Abia State.
 - (h) Two other members from the private sector with relevant experience appointed by the Governor.

**Powers of
the Council**

13. The Council shall give policy directions on the objectives, functions and powers of the Office pursuant to the provisions of this Law and shall:
- (a) be the policy making body on Public Private Partnerships and Investment Promotions for the State Government;
 - (b) identify priority sectors for Public Private Partnerships and Investment Promotions Initiative;
 - (c) supervise the activities of the office on all issues pertaining to policy formulation, evaluation of operational guidelines and other required statutory provisions of the Office;
 - (d) determine the framework of engagement of consultants, Specialists and/ or advisers for the Public Private Partnerships and Investment Promotions project;

- (e) plan and recommend budgets for the Office;
- (f) sign all concession or project agreements with third parties;
- (g) offer technical advice for the smooth running of the Office;
- (h) ratify all proposals made by the Office, before the Office can finalize Concession, project, or other Agreements with third parties.
- (i) do such other things which in its opinion are necessary to ensure the efficient performance of the functions of the Office under this Law.

**Proceedings of
the Council**

- 14.
- (1) The Council may make standing orders to regulate its proceedings at meetings.
 - (2) The Council shall meet at least once in three months and subject thereto the Council shall meet whenever it is summoned by the Chairman or whenever the Chairman is required to do so by notice given to him by at least four (4) other members of the Council including the Director General.
 - (3)
 - (a) The Council may co-opt persons who are not members thereof and such persons may take part in its deliberations on an ad- hoc basis.
 - (b) Any co-opted person(s) shall not have voting rights and shall not count in the formation of quorum in the Council.
 - (4) If at any meeting of the Council, the Chairman is absent, the Vice Chairman shall preside over the meeting, and shall exercise all the powers of the Chairman for that meeting.

Quorum

15. The Quorum of the Council shall be five (5) members including The Chairman or his Vice and four (4) other members.

PART IV:
OBJECTIVES, POWERS AND FUNCTIONS OF
THE OFFICE

- Objectives of the Office
16. (1) In performing its functions and exercising its powers, the primary objective of the Office shall be to develop public infrastructure or public assets, provide social amenities and others facilities as well as to promote investment in the State through Public Private Partnerships and the creation of investment vehicles and opportunities.
- (2) In seeking to achieve its objectives, the office shall:
- (a) Initiate strategies for the development of public infrastructure and public assets and the promotion of investment in the State by means of Public Private Partnerships;
- (b) Evolve and co-ordinate policies and programmes aimed at sustaining Public Private Partnerships and Investment Promotions for the provision and development of public infrastructure or public assets in the State in accordance with prevailing Government policy and Public interest.
- (c) Advice and co-ordinate investment programmes for the Government, seek investment opportunity for the State and set out plans to optimize all State assets and investments.
- (d) Initiate and develop programmes to boost direct investment in the State.
- (e) Initiate and make investments on behalf of the Government.
- Powers of the Office
17. The Office shall have power to:
- (1) offer concession to private investors interested in Public Private Partnerships for design, construction, operation, management, control, maintenance, rehabilitation and financing of public infrastructure or public assets in accordance with the Abia State Public Procurement Law No. 5 of 2012;
- (2) negotiate with prospective private partners and conclude such negotiation with the approval of the Council;
- (3) obtain from any government agency or private institutions, statistical or other information relevant to the functions of the Office;

- (4) inspect and monitor concessionaires to ensure compliance with the terms of any concession agreement;
- (5) designate a public infrastructure or public asset as a service charge, use fee or toll paying public infrastructure or public asset and specify the condition for the use of such infrastructure or assets;
- (6) liaise and co-operate with all government agencies and parastatal with respect to private investors participation in the provision and development of public infrastructure or public assets;
- (7) establish and operate an information and management system concerning public infrastructure or public assets and projects;
- (8) do all things that are necessary or expedient for the performance of its functions, including the engagement from time to time of consultants and advisers and other service providers.

Functions of the Office

18. The functions of the Office shall be to:

- (1) initiate and promote Public Private Partnerships for the development of public infrastructure and public assets by conducting pre-qualification process for private investors willing to enter into Public Private Partnership with the State based on request for expression of interest;
- (2) evaluate the expression of interest by private investors interested in Public Private Partnership with the State and issue a preferred mandate in accordance with the provisions of the Abia State Public Procurement Law;
- (3) act on behalf of the Government or any of its agencies in Public Private Partnership under this Law and develop optimal means of financing the cost of public investment projects in order to achieve value for money;
- (4) ensure on behalf of the Government or any of its agencies that all aspects of financing, refinancing and insurance of public investment projects are duly undertaken by means of Public Private Partnerships within the public sector.

- (5) prepare and develop and execute on behalf of the State, strategic master plan for Public Private Partnerships
- (6) identify priority sectors for Public Private Partnership initiative;
- (7) initiate the development of public infrastructure or public asset through public private partnerships in the State;
- (8) determine the framework for the engagement and remuneration of consultants, specialists and advisers for Public Private Partnership in the State;
- (9) verify and monitor performance of the terms and conditions of concession agreements by concessionaires;
- (10) advise the Council on matters relating to the financing, construction and maintenance of public infrastructure or public assets by means of Public Private Partnerships and Investment Promotions in the State; and in particular, to identify and make recommendations to the Council with respect to the acquisition of land required for such purposes;
- (11) undertake or conduct any research, investigations or inquiries and collect information relating to public infrastructure in general;
- (12) liaise with bodies of professional persons, Government and other private Ministries, Departments and Agencies, Institutional Lenders agencies performing work with regard to public infrastructure or public assets;
- (13) oversee the development, operation and maintenance of public infrastructure or public assets provided by means of Public Private Partnerships and Investment Promotions and such other facilities necessary for such infrastructure or public assets;
- (14) satisfy, discharge and perform the obligation of the Office and the State, to uphold and observe the terms of any concession agreement subject to the provisions of this Law;
- (15) provide and cater for Public Private Partnership and Investment Promotions in the State and matters incidental thereto;
- (16) collect, collate, analyze and disseminate information about investment opportunities and sources of investment capital;

- (17) identify specific projects and invite interested investors for participation in those projects;
- (18) initiate, organize and participate in promotional activities such as exhibitions, conferences and seminars for the stimulation of investors;
- (19) maintain liaison between investors and ministries, Government Departments and Agencies, Institutional lenders and other authorities concerned with investments;
- (20) provide and disseminate up-to-date information available to investors;
- (21) set up investment platforms on behalf of the State Government and oversee the running of such investments;
- (22) participate in the negotiation of investment promotion and protection agreements; and
- (23) perform any other function as may be assigned from time to time to it by the Council under this Law.

PART V:
PROCUREMENT AND RATIFICATION OF
PUBLIC PRIVATE PARTNERSHIP OR
CONCESSION AGREEMENT

- Procurement of Public Private Partnership or Concession Agreement
19. (1) The office may issue letters of Procurement or undertakings in respect of any Private Partnership or concession agreement after due authority by the Council.
 - (2) The office shall be a procuring entity for the purpose of the Abia State Public Procurement Law and shall comply with the Indemnity of that Law.
 - (3) The office may undertake restricted or emergency procurements in accordance with the provisions of the Abia State Public Procurement Law.
- Ratification of Concession Agreement
20. Without prejudice to the provisions of Section 19(1) of this Law, any concession or other agreement entered into by the Office without authority of the Council, may, upon due consideration, be ratified by the Council.
- Registration under Companies and Allied Matters Act
21. Any Company with whom the Office enters into a Public Private Partnership or Concession Agreement, must be a Company registered under the Companies and Allied Matters Act.

22. Formation of Special Purpose Companies or Limited Liability Partnerships
23. No State, Ministry, Department or Agency's Guarantee
24. Appeal against Decisions of the Office
22. The Office, with the approval of the Council, may cause to be formed, Limited Liability Partnerships or Limited Liability Companies for the purpose of financing Public Private Partnership projects or facilitating such projects where, in the opinion of the office, it is necessary or expedient to do so in order to discharge its functions under this Bill.
23. A Public Private Partnerships and Investment Promotions Agreement must not contain provisions for any financial guarantee from the State, Ministry, Department or Agency for the Public Private Partnership, but may include provisions for indemnity or undertaking that would be given in the ordinary course of business.
24. Without prejudice to any terms as to dispute resolution as agreed in any relevant concession agreement and to any other right of recourse available at law, where any concessionaire is dissatisfied with any omission or decision of or exercise of power by the office under this Bill, the concessionaire, may appeal against the decision or exercise of power to the Council.

PART VI:

**FUNDS OF THE OFFICE, BANK ACCOUNTS,
ACCOUNTING PROCEDURE AND AUDITING.**

25. Funds of the Office
26. Bank Account
27. Application of the Fund
25. The funds of the office shall consist of:
- (1) all subventions and budgetary allocations from the State Government;
 - (2) gifts, loans, grants or aid from any agency, institution, bilateral and multinational organizations or any government provided that such gifts to the Office are declared;
 - (3) a percentage of service charge or user fees as may be prescribed in the office's regulation or agreed in the relevant concession agreement in the absence of such regulation; and
 - (4) all other sums which may become payable to or vested in the office in respect of any matter incidental to its functions.
26. The Office shall keep and operate bank accounts for its funds with a reputable bank(s) as may be duly authorized by the existing financial Laws and Regulations in the State.
27. The funds of the Office shall be utilized for the following purposes:
- (1) Salaries, remuneration, fees, allowances of staff, agents or consultants to the office;
 - (2) for the development and maintenance of any property vested in or owned by the office;

**Accounting
Procedure and
Auditing**

28. (3) to defray other expenses authorized by the office in carrying out its functions under this Law;
- (1) The Office shall prepare and submit to the Ministry of Finance an estimate of its income and expenditure in accordance with the call circular of the Ministry.
- (2) The Office shall keep proper accounts in respect of each year from 1st January to 31st December in accordance with the prevailing audit policy of the State and shall forward its statement of Account of the preceding year to the Auditor-General for Audit purposes.
- (3) The Office shall keep a proper account of all its transactions in such form as the Council may direct, being a form that shall conform with the International Accounting Standard (IAS), and Standard Commercial Practice.
- (4) The accounts shall be audited annually by external auditors appointed by the Council from a list of approved Auditors provided by the Auditor-General of the State.
- (5) The Office shall prepare and submit an annual report in accordance with the prevailing audit policy of the State not later than the 30th day of June, each year, a report on the activities of the office during the immediate preceding year and shall include in such report a copy of the audited accounts of the office and the Auditor's Report.
- (6) The Office shall cause its audited account and its annual report to be forwarded to the House, and to be published in the Government Gazette after complying with the provisions of Subsections (1) – (5) of this Section.

PART VIII:

**USER FEES OR TOLLS, REGULATIONS,
AUTHORIZATION, OFFENCES AND PENALTIES**

**User Fees or
Tolls Regulation**

29. (1) The Office may by Regulation, specify the:
- (a) service charge, user fees or tolls payable in respect of designated public infrastructure or public assets; and
- (b) conditions under which a member of the public will access the use of public infrastructure or public assets.
- (2) A concessionaire shall propose for the approval of the Office, service charge, user fees or tolls or any review of same in relation to the use of public infrastructure or public assets by reference to such circumstances or combination of circumstances or classification as the Office may, after consultation with the concessionaire specify.

- (3) The Office may provide for service charge, user fees or tolls to be charged for a period specified in or determined in accordance with the Regulations, which may provide for a period when payment of service charge, user fees or tolls shall end:
- (a) on a date, or at the end of a period specified in the Regulation; or
 - (b) on a date determined by reference to:
 - (i) the achievement of a specified financial objective; or
 - (ii) such other factors or combination of factors as may be specified in the Regulations.
- (4) Where a concession agreement has been executed in accordance with this Law, the terms of the concession agreement shall be deemed to constitute a valid service charge, user fee or tolls Regulations for the purposes of this Section.
30. **Designation of Public Infrastructure or Public Assets**
- Notwithstanding the provisions of any Law, the Council may designate any public infrastructure or public asset, any road, bridge or highway within the State as public infrastructure or public assets with respect to which user fee or toll shall be payable for the purpose of this Law subject to the approval of the House provided that such user fee or toll shall be paid into the Consolidated Revenue Account of the State.
31. **Authorization to Collect User Fees or Tolls**
- Notwithstanding the provisions of any Law, the Council may in the relevant concession or other agreements, authorize any person, in return for undertaking such obligations as may be specified in a concession or project agreement with respect to the design, construction, maintenance, operation, improvement or financing of public infrastructure or public assets, to enjoy specific right as may be stated in the concession or project agreement including the right to levy, collect and retain service charges, user fees or tolls in respect of the use of the public infrastructure or public assets.
32. **Payment of Service Charge**
- (1) Service charge, user fees or tolls shall be paid to the concessionaire and adjusted in accordance with regulations made by the office or in the absence of such regulations as may be agreed with the concessionaire and incorporated into the relevant concession agreement.
 - (2) A service charge, user fee or toll levied in respect of public infrastructure or public assets is valid only if it is charged by the concessionaire in accordance with the provisions of this Law.
33. **Regulation of Service Charge, User Fees or Tolls**
- (1) The service charge, user fee or toll, which may be levied and collected by the concessionaire pursuant to any concession agreement, shall in every case be the service charge, user fee or toll specified or calculated in accordance with any index or formula or other provision stated in the concession agreement as agreed with the Office where the concession agreement is entered into prior to the regulations made by the Office.

- (2) Each concession agreement shall set out the procedures, circumstances and formulae by which service charge, user fee or toll to be charged by the concessionaire shall be calculated, varied or adjusted and such provisions shall be observed and agreement fully implemented.
- (3) Where the concession agreement does not set out the provision for calculation and adjustment or variation of service charge, user fee, or toll, or such provisions are declared invalid, void, unenforceable or of no effect, by any competent Court or Authority, the concessionaire shall have the right to make an application to the Office from time to time for an adjustment or variation to the service charge, user fee, or toll and the Office shall promptly approve or reject any such application having taken into account all relevant circumstances.
- (4) The Office shall have power to vary or adjust or to require the adjustment of any service charge, user fee or toll charged by a concessionaire in respect of a public infrastructure or asset only in accordance with the provisions of this Law or as may have been agreed and incorporated into any relevant concession agreement.
- (5) The Office shall remit all incomes, fees, service charges or tolls etc from designated public infrastructure or assets to the Abia State Consolidated Revenue Account but will retain a certain percentage of their income as may be determined by the Council.
34. (1) It shall be an offence for any person to fail or refuse to pay service charge, user fee or toll in accordance with this Law, any regulations made under this Law or within the terms of Concession Agreement, and the offender shall be liable on conviction to a fine of Fifty Thousand Naira (₦50,000.00) or six months imprisonment or any non-custodial sentence provided by Law.
- (2) If it appears to a person employed to collect service charge, user fee or toll, that a person has refused or failed to pay, the person so employed may:
- (a) refuse to permit the defaulter to use, or prevent him from using the public infrastructure or public asset with respect to which service charge, user fee or toll are payable; and
- (b) require him to vacate the public infrastructure or public asset, or call, where necessary, the assistance of Law enforcement agents;

**Offences and
Penalties**

- (3) Where a person refuses to pay a service charge, user fee or toll with respect to the use of any public infrastructure or public asset, the person may be arrested. Where the infrastructure is a road or bridge the vehicle driven by the person shall be impounded by an authorized person and removed to a vehicle park provided for that purpose, and such vehicle shall remain so impounded until the payment to the concessionaire of the unpaid toll, of the fine prescribed by Subsection (1) of this Section and the demurrage to the appropriate authority designated by the Office or shall remain so impounded pending the trial of the offence committed under the said Subsection.

PART VIII: MISCELLANEOUS

**Power to make
Regulations**

35. The Council shall have power to make regulations to:

- (a) Designate a public infrastructure of public asset as a service charge, user fee or toll paying infrastructure or asset;
- (b) Establish fair and general conditions designating who, when and how the public infrastructure or public asset may be used from whom service charge, user fee or toll may be collected; and
- (c) Give effect to any provision and purpose of this Law.

**Pre-Existing
Concessions**

36. The provisions of this Law shall apply to Public Private Partnerships or Concessions entered in to before the commencement of this Law and shall preserve and protect all rights, properties and obligations existing under that contract and by Law applicable when the Public Private Partnership were entered into or the Concession was awarded.

SCHEDULE
(See Sections 2 and 23)

TYPES OF CONCESSION OR PPP AGREEMENTS

1. **Build-and-Transfer (BT):** A contractual arrangement whereby the private party undertakes the financing and construction of an infrastructure project and after its completion hands it over to the Government Agency. The Government Agency will reimburse the total project investment, on the basis of an agreed schedule. This arrangement may be employed in the construction of any infrastructure project, including critical facilities, which for security or strategic reasons must be operated directly by the Government Agency.
2. **Build-Operate-and-Transfer (BOT) :** A contractual arrangement whereby the private party undertakes the financing and construction of an infrastructure project and the operation and maintenance thereof. The private party operates the facility over a fixed term during which it is allowed to collect from project users appropriate tariffs, tolls, fees, rentals, or charges not exceeding those proposed in the bid or negotiated and incorporated in the PPP agreement to enable the private party to recover its investment and operating and maintenance expenses for the project. The private party transfers the facility to recover its Agency at the end of the fixed term that shall be specified in the PPP agreement. This shall include a supply-and-operate situation which is a contractual arrangement whereby the supplier of equipment and machinery for an infrastructure project operates it, providing in the process technology transfer and training of the nominated individuals of the Government Agency.
3. **Build-Own-Operate-Transfer (BOOT):** A contractual arrangement similar to the BOT agreement, except that the private party owns the infrastructure project during the fixed term before its transfer to the Government Agency.
4. **Operation-and-Maintenance (OM):** A contractual arrangement whereby the private party expands an existing infrastructure facility, which it leases from the Government Agency. The private party operates the expanded project and collects user levies to recover the investment over an agreed period. There may or may not be a transfer arrangement with regard to the added facility provided by the private party.
4. **Joint Venture (JV):** Joint Venture is a form of public private partnership in which both the Government Agency and the private party make equity contributions and pool their resources towards the project development and implements the project by forming a new company (joint venture company) or assuming joint ownership of an existing company through the purchase of shares. When the joint venture company is established, it will have a separate legal identity and it through this company that the common enterprise of the public and private partners will be carried out. The Government Agency and the private party will own the shares of the joint venture company and there will be a board of directors usually made up of representatives of the shareholders.
5. **Management Contract (MV):** A contractual arrangement whereby the Government Agency entrusts the operation and management of an infrastructure project to the private party for an agreed period on payment of specified consideration. The Government Agency may charge the user levies and collect the same either itself or entrust the collection for consideration to any person who shall pay the same to the Government Agency.
6. **Rehabilitate-Operate-and-Transfer (ROT):** A contractual arrangement whereby an existing infrastructure facility is handed over to the private party to refurbish, operate and maintain it for a specified period, during which the private party collects user levies to recover its investment and operation and maintenance expenses. At the expiry of this period, the facility is returned to refurbishing, erecting and operating it.
7. **Rehabilitate-Own-and-Operate (ROO):** A contractual arrangement whereby an existing infrastructure facility is handed over to the private party to refurbish, operate and maintain with no time limitation imposed on ownership. The private party is allowed to collect user levies to recover its investment and operation and maintenance expenses in perpetuity.
8. **Service Contract (SC):** A contractual arrangement whereby the private party undertakes to provide services to the Government Agency for a specified period with respect to an infrastructure facility. The Government Agency will pay the private party an amount according to the agreed schedule.

SCHEDULE

FORM A

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

.....
JOHN PEDRO NNAMDI IROKANSI
Clerk of the House of Assembly
Abia State of Nigeria.

DATED this day of 2015

FORM B

I ASSENT



DATED this day of 2015

.....
OKEZIE IKPEAZU Ph.D
Governor
Abia State of Nigeria

I WITHHOLD MY ASSENT



FORM C

.....
OKEZIE IKPEAZU Ph.D
Governor
Abia State of Nigeria

DATED this day of , 2015

A.

FORM D

This Bill to which the Governor has by a letter Reference No. dated
the day of, 2015 signified the Withholding of his Assent, has again
been passed by the Abia State House of Assembly by a two-third majority this day of
....., 2015.

.....
JOHN PEDRO NNAMDI IROKANSI
Clerk of the House of Assembly
Abia State of Nigeria

DATED at Umuahia this day of, 2015

FORM E

Assented to on the day of, 2015

OR

Passed by the Abia State House of Assembly by a two-third majority this day of
....., 2015

*This printed impression has been carefully compared by me with the Bill which has
been passed by the Abia State House of Assembly and found by me a true and correctly
printed copy of the Bill.*

.....
JOHN PEDRO NNAMDI IROKANSI
Clerk of the House of Assembly
Abia State of Nigeria

Dated day of, 2015

B.

SCHEDULE

FORM A

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



.....
JOHN PEDRO NNAMDI IROKANSI
.....
Clerk of the House of Assembly
Abia State of Nigeria.

DATED this 15th day of Dec. 2015

FORM B

I ASSENT



.....
OKEZIE IKPEAZU Ph.D
.....
Governor
Abia State of Nigeria

DATED this 20 day of Jan 2015

C.