

# **EKITI STATE PENSION REFORM LAW, 2022**

**NO. 3 OF 2022**

*EKITI STATE PENSION REFORM LAW, 2022*

**EKITI STATE OF NIGERIA**

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF CONTRIBUTORY  
PENSION SCHEME FOR THE EMPLOYEES IN EKITI STATE AND FOR**

## **OTHER CONNECTED MATTERS.**

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**EKITI STATE OF NIGERIA**

**Commencement [ ]**

**ENACTED BY THE EKITI STATE HOUSE OF ASSEMBLY as follows:**

**PART 1**

**ESTABLISHMENT OF A CONTRIBUTORY PENSION SCHEME FOR  
EMPLOYEES IN THE PUBLIC SERVICE OF EKITI STATE.**

**Establishment of Contributory Pension Scheme.**

1. (1) There is hereby established for the Public Service of Ekiti State, a Contributory Pension Scheme (in this Law referred to as “the Scheme”) for payment of retirement benefits of employees in the service to whom this Law applies.  
  
(2) Subject to Section 12 of this Law, the Scheme shall apply to all pensionable employees in the Public Service of the State, including employees of Local Government Councils, Self-funded Institutions and agencies, subvented institutions and Parastatals established by the State government.

**Objectives of the Scheme.**

2. The Objectives of the Scheme shall be to -
  - (a) assist all persons in the employment of the State government to save towards their retirement;
  - (b) ensure that persons who resign or retire from the Public Service of the State receive their terminal or retirement benefits as and when due; and
  - (c) establish a set of rules and regulations for the administration and payment of retirement benefits in the Public Service of the State.

**Retirement age.**

3. (1) Subject to any existing Law, every employee in the Ekiti State Public Service save for Tertiary Institutions shall retire on attaining the age of 60 years or 35 years of service, which ever comes earlier in time or as it shall be provided for in their respective Schemes of Service/Public Service Rules/Regulations.  
  
(2) Subject to any existing Law in this regard, an academic staff and non-academic staff in the Tertiary Institutions of the State shall retire from

the service on attaining the age of 65 years while a Professor shall retire from the service on attaining the age of 70 years.

#### **Notice of Retirement.**

4. An employee shall give notice of his intention to retire from the Public Service six months before he attains the age of retirement or years of service which ever comes earlier in time and shall be deemed to have retired with effect from the date he attains the age of retirement or the years of service.

#### **Penalty for exceeding retirement period in service.**

5. Where an employee stays beyond the date of retirement, the emoluments earned by him and actually paid to him in excess shall not be money due to such an employee and the employer shall be entitled to a refund.

#### **Withdrawal from retirement saving account.**

6. (1) An employee shall not be entitled to make any withdrawal from his Retirement Savings Account, opened under Section 17 of this Law, before attaining the age of 50 years.

- (2) Notwithstanding the provisions of subsection (1) of this Section, any employee who retires, disengages, or is disengaged from employment -

- (a) on the advice of a suitably qualified physician or a properly constituted medical board certifying that the employee is no longer

- mentally or physically capable of carrying out the functions of his office;

- (b) due to his total or permanent disability either of mind or body; or

- (c) before the age of 50 years in accordance with the terms and conditions of his employment.

shall be entitled to make withdrawals in accordance with Section 7 of this Law.

- (3) Persons who retire under subsection (2) of this Section shall be reintegrated into the scheme upon securing another employment subject to

guidelines to be issued by the National Pension Commission from time to time

- (4) For purpose of subsection (1) of this Section, the authentic age of an employee entering the public service shall be that submitted by him on entering the service or taking up the employment.
- (5) Without prejudice to subsection (1) of this Section, any employee who disengages or is disengaged from employment before the age of 50 years and he is unable to secure another employment within four months of such disengagement may make withdrawal from his retirement savings account in accordance with the provisions of Section 7 (2) and (3) of this Law.

#### **Retirement benefits.**

7. (1) A holder of a Retirement Savings Account upon retirement or attaining the age of 50 years, whichever is later, shall utilize the balance standing to the credit of his retirement saving account for the following benefits —

- (a) programmed monthly or quarterly withdrawals calculated on the basis of an expected life span;
- (b) annuity for life purchased from a life insurance company licensed by the National Insurance Commission with monthly or quarterly payments in line with guidelines jointly issued by the Commission and National Insurance Commission; and
- (c) a lump sum from the balance standing to the credit of his Retirement Savings Account; provided that the amount left after that lump sum withdrawal shall be sufficient to procure an annuity or fund programmed withdrawals for life in accordance with the extant guidelines issued by the National Pension Commission from time to time.

(2) Where an employee voluntarily retires, disengages, or is disengaged under Section 6 (2) (c) of this Law, the employee may, on request, and with the approval of the Commission withdraw a lump sum of money not more than 25% percent of the total amount credited to his Retirement Savings Account: provided that such withdrawals shall only be made after four months of such

retirement or cessation of employment and the employee does not secure another employment.

- (3) Notwithstanding anything to the contrary contained in this Law, every employee who has retired or who has been dismissed from service shall obtain and present a Certificate of Clearance from his last place of employment before a Pension Fund Administrator gives such employee access to government contributions and interest accruals thereon in his account.
- (4) A Certificate of Clearance shall be issued by the employer to the employee upon retirement or dismissal from service;
- (5) The Commission shall not issue a final clearance certificate to any employee who is indebted to the employer whether in cash or kind until such debt is finally defrayed by the employee and certificate of clearance obtained;
- (6) Notwithstanding the provision of Section 9 (2) of this law, where an employee dies in service and is indebted to the employer, the executor, personal representative or any person lawfully appointed to act on behalf of the deceased employee shall not be issued a final Certificate of certificate until the deceased's debt is settled;
- (7) Where the employer considers that an employee is not entitled to a Certificate of Clearance, the employer shall indicate his refusal to issue the Certificate to the employee and the Pension Fund Administrator through the National Pension Commission within 21 days of the employee's withdrawal or dismissal from service.

#### **Dismissal of an employee.**

8. Where an employee who has contributed to the scheme is dismissed from the public service on the ground of fraud, the employee shall not be entitled to any contribution until the employee has been cleared of the alleged fraud in accordance with Section 7(3)(4)(5)(6) of this Law.

#### **Death of an employee.**

9. (1) Where an employee dies, his entitlements under the life insurance policy maintained under Section 14 of this Law shall be paid to the named beneficiary in line with the provisions of the relevant Insurance Act.



(2) Upon receipt of a valid Will admitted to probate or a letter of administration confirming the beneficiaries under the estate of the deceased, the Pension Fund Administrator shall, with the approval of the Commission, pay the amount standing in the retirement savings account of the deceased to the personal representative of the deceased or to any other person as may be directed in accordance with the terms of the Will or the personal law of the deceased employee as the case may be.

#### **Missing employee.**

10. (1) Notwithstanding anything to the contrary contained in any other law, where an employee is missing and is not found within a period of one year from the date he was declared missing, and a board of inquiry set up by the Commission concludes that having regards to available information and all relevant circumstances, it is reasonable to presume that he has died, the provisions of Section 9 of this Law shall apply.

(2) Where it is confirmed or presumed that the employee is dead, the provision of Section 9 of this Law shall apply.

#### **Retirement benefit exemption from tax.**

11. (1) In accordance with Section 10 (3) of the Pension Reform Act, 2014, any amount payable as a retirement benefit under this Law shall not be taxable.

(2) Notwithstanding the provisions of subsection (1) of this Section, any voluntary contribution made under subsection (1) of Section 15 of this Law shall be subject to tax at the point of withdrawal where the withdrawal is made before the end of 5 years from the date the voluntary contribution was made.

#### **Exemption from the Scheme.**

12. (1) Notwithstanding the provisions of subsection (2) of Section 1 of this Law, an employee is entitled to retirement benefits under any pension scheme but any employee employed before 1<sup>st</sup> of January, 2010 shall be exempted from this Scheme.

(2) The categories of person mentioned in Section 291 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) shall be exempted from the Scheme.

(3) Any person who falls within the provisions of subsections (1) and (2) of this Section shall continue to derive retirement benefit under such existing pension scheme as provided for in the First Schedule to this Law.

(4) Nothing in this Law shall preclude the right of any person mentioned in subsection (1) and (2) of this Law to be paid his pension as and when due.

#### **Rate of contribution to the Scheme.**

**13.** (1) Subject to the approval of the Commission established under Section 22 of this Law, the contribution for any employee to which this Law applies shall be contribution made in the following circumstances relating to his monthly emoluments —

(a) a minimum of ten per cent by the employer; and

(b) a minimum of eight per cent by the employee.

(2) Notwithstanding any of the provisions of this Law, an employer may agree-

(a) on the payment of additional benefits to the employee upon retirement; or

(b) elect to bear the full burden of the scheme, provided that in such a case the employer's contribution shall not be less than 20% of the monthly emoluments of the employee.

#### **Life Insurance.**

**14.** (1) In addition to the rate specified in Section 13(1) of this Law, the employer shall maintain life insurance policy in favour of the employee for a minimum of three times the annual total emolument of the employee and premium shall be paid not later than the date of commencement of the cover.

(2) Where the employer failed, refused or omitted to make payment as at when due, the employer shall make arrangement to effect

payment of claims arising from the death of any staff in its employment during such period.

**Voluntary Contributions by employees.**

15. (1) Any employee to whom this Law applies may, in addition to contribution being made by him and his employer, make voluntary contributions to his retirement savings account.

(2) The rates of contribution mentioned in Section 13(1) and subsection (1) of this Section may, upon agreement between any employer and employee, be reviewed upwards, from time to time, and the National Pension Commission shall be notified of such review.

(3) Subject to such guidelines as may be issued, from time to time by the National Pension Commission, the categories of person covered under Section 1 (2) of this Law or persons exempted under Section 12 of this Law shall be entitled to make voluntary contributions under the Scheme.

**Contribution under the Scheme to form part of tax deductible expenses.**

16. Notwithstanding the provisions of any other law, contributions by an employee to the Scheme under this Law shall form part of tax deductible expenses in the computation of tax payable by an employer or employee under the relevant income tax legislation.

**Retirement saving account and remittance of contributions. etc.**

17. (1) Every employee under this Law shall maintain an account (in this Law referred to as ‘Retirement Savings Account’) in his name with any registered Pension Fund Administrator of his choice enlisted by the Commission.

(2) The employee shall notify his employer of the Pension Fund Administrator chosen and the identity of the Retirement Savings Account opened under subsection (1) of this Section.

(3) The employer shall—

(a) deduct at source, the monthly contribution of the employee in his employment; and

- (b) not later than seven working days from the day the employee is paid his salary, remit an amount comprising the employee's contribution under paragraph (a) of this subsection and the employers contribution to the custodians specified by the Pension Fund Administrator of the employee to the exclusive order of such Pension Fund Administrator.
- (4) Upon receipt of the contributions remitted under subsection (3) (b) of this Section, the custodian shall notify the Pension Fund Administrator who shall cause to be credited the Retirement Savings Account of the employee for whom the employer had made the payment.
- (5) Where an employee fails to open such Retirement Savings Account within a period of six months after assumption of duty, his employer shall subject to guidelines issued by the National Pension Commission, request a Pension Fund Administrator to open a nominal Retirement Savings Account for such employee for the remittance of his pension contribution.
- (6) An employer who fails to deduct or remit the contributions within the time prescribed in subsection (3) (b) of this Section shall, in addition to making the remittance already due, be liable to a penalty to be stipulated by the National Pension Commission.
- (7) The penalty referred to in subsection (6) of this Section shall not be less than 2% per cent of the total contribution that remains unpaid for each month or part of each month during which the default continues and the amount of the penalty shall be recoverable as a debt owed to the employee's Retirement Savings Account as the case may be.
- (8) An employee shall not have access to his Retirement Savings Account nor have any dealing with the custodian with respect to the Retirement Savings Account except through the Pension Fund Administrator.
- (9) The Commission shall determine the cost of recovery of unremitted contributions and the sources to defray the cost, which may include the amount recovered as penalty pursuant to subsection (6) of this Section.

**Contribution of the employers to the pension of employees.**

- 18.** (1) Government contribution to the pension of employees of the Civil Service of Ekiti State shall be a first line charge on the Consolidated Revenue Fund of the State.
- (2) Local Government Councils contributions to the pension of Local Government employees in Ekiti State under this Law shall be first line charge on the statutory allocation.
- (3) Contributions payable by any other employers under this Law shall be a first line charge on its statutory allocation or subvention.
- (4) The Accountant General of the State shall make the deductions of the contributions made under subsections (1) and (2) above.

**Transfer of account from one Pension Fund Administrator to another.**

- 19.** Subject to guidelines issued by the Commission, a holder of a retirement savings account maintained under this Law may not, more than once in a year, transfer his account from one Pension Fund Administrator to another.

**Transfer from one employment to another.**

- 20.** Where an employee transfers his service or employment from one employer or organization to another, the same Retirement Savings Account shall continue to be maintained by the employee or be transferred subject to Section 19 of this Law.

**Accrued Pension Rights.**

- 21.** (1) Any employee in the Public Service of Ekiti State covered under the Scheme shall have his accrued retirement benefits (if any) determined and added to his contributions in the retirement savings account with the Pension Fund Administrators.
- (2) A Retirement Benefit Redemption Bond Certificate (herein also to as Bond Certificate) shall be issued and shall state the accrued retirement benefit for the period served by the employee.
- (3) Subject to Section 37 of this Law, an employee shall keep the accrued pension rights bond certificate and present same for redemption into his Retirement Savings Account upon retirement.
- (4) The accrued pension rights and entitlements of employees in the Public Service of Ekiti State shall be reviewed by the State Government from

time to time in line with the provisions of Section 173 (3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provided the variation so derived from the salary reviews shall be provided by the State Government and credited into the retirement savings account of individual retirees.

## **PART II**

### **ESTABLISHMENT OF THE EKITI STATE PENSION COMMISSION.**

#### **Establishment of Ekiti State Pension Commission.**

22. (1) There is established a body to be known as the Ekiti State Pension Commission (in this Law referred to as “the Commission”).
- (2) The Commission —
- (a) shall be a body corporate with perpetual succession and a common seal; and
  - (b) may sue and be sued in its corporate name.
- (3) The Commission may acquire, hold or dispose of any moveable or immovable property for the purpose of its functions under this Law.
- (4) The Commission shall report directly to the Governor.

#### **Objects of the Commission.**

23. The principal object of the Commission shall be to regulate, supervise and ensure the effective administration of pension matters in Ekiti State Public Service.

## **PART III**

### **STAFF OF THE COMMISSION.**

#### **Staff of the Commission.**

24. (1) There shall be for the Commission, a Permanent Secretary who shall —
- (a) be appointed by the Governor;
  - (b) be a fit and proper person;
  - (c) possess relevant and adequate professional qualification in pension matters or related fields with 15 years cognate experience;

- (d) be responsible for the day-to-day administration of the Commission.
- (2) There shall be five specialized departments of the Commission namely –
- (a) Finance and Accounts;
  - (b) Administration and Supplies;
  - (c) Investment Management and Compliance;
  - (d) Technical and Inspectorate; and
  - (e) Legal Services.
- (3) Each of the specialized departments of the Commission shall be headed by a Director.
- (4) The Commission may from time to time, appoint such other category of employees as may appear to it expedient and necessary for the proper and efficient performance of its functions under this Law.
- (5) There shall be a legal practitioner who shall be the head of Legal Services and who shall be appointed from among the career Legal Officers in the Public Service of Ekiti State by the Commission and shall not be below the rank of a Deputy Director.
- (6) The staff of the Commission shall be public officers as defined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

#### **PART IV FUNCTIONS AND POWERS OF THE COMMISSION.**

##### **Functions of the Commission.**

- 25.** The Commission shall —
- (a) regulate and supervise the Scheme under this Law;
  - (b) approve and maintain a list of enlisted Pension Fund Administrators, custodians and other institutions relating to pension matters as the National Pension Commission may, from time to time, determine;
  - (c) ensure the maintenance of a databank for pensioners in the State;
  - (d) carry out public awareness and education on the establishment and management of the Scheme;

- (e) receive ,investigate and mitigate complaints of impropriety leveled against any Pension Fund Administrator, custodian or employer or any of their staff or agent by any employee or former employee to which this Law applies;
- (f) liaise with the National Pension Commission from time to time;
- (g) ensure payment of existing pensioners;
- (h) promote and offer technical assistance in the application of the contributory pension scheme by the States and Local Government Councils in accordance with the objective of this Law; and
- (i) perform such other duties which, in the opinion of the Commission, are necessary or expedient for the discharge of its functions under this Law.

#### **Powers of the Commission.**

- 26.** The Commission shall have the power to –
- (a) formulate, implement, direct and oversee government policies on pension matters in Ekiti State;
  - (b) request or call for information from any employer or pension fund administrator or custodian or any other person or institution on matters relating to retirement benefit of employees to which this Law applies;
  - (c) liaise with National Pension Commission to move pension funds and assets from the pension administrator or custodian to another when the Commission believes that the funds and assets of its employees are endangered;
  - (d) charge and collect such fees, levies or penalties, as may be specified by the Commission;
  - (e) establish and acquire offices and other premises for the use of the Commission in such locations as it may deem necessary for the proper performance of its functions under this Law;
  - (f) establish standards, rules and regulations for the management of the pension funds contributed by employees to which this Law applies;



- (g) investigate any Pension Fund Administrator, custodian, or other parties involved in the management of pension funds;
- (h) order the transfer of management or custody of all pension funds or assets being managed by a Pension Fund Administrator or held by a custodian whose approval has been withdrawn under this Law or subject to insolvency proceedings to another Pension Fund Administrator or custodian, as the case may be;
- (i) request the Accountant General of Ekiti State to credit the State Retirement Savings Fund Account, State Government's obligation for the redemption of the Retirement Benefits Bonds issued to its employees for their past services;
- (j) make changes to its structure with the approval of the Governor;
- (k) approve rules and regulations relating to the appointment, promotion and disciplinary measures for the employees of the Commission; and
- (l) notify the National Pension Commission of any report against any person or group of persons who contravenes, or engages in any act likely to contravene the provisions of this Law or any provision of the Pension Reform Act for the time being in force;
- (m) report any Pension Fund Administrator or Pension Fund Custodian who engages in any act or omission which amounts to a breach of any provision of this Law or the Pension Reform Act for the time being in force;
- (n) do such other things which in its opinion are necessary to ensure the efficient performance of the functions of the Commission under this Law.

## **PART V**

### **BOARD OF THE COMMISSION.**

#### **Board of the Commission.**

- 27.** (1) The Board shall consist of—
- (a) a part-time Chairman who shall possess a university degree with twenty years experience in pension matters or related fields;

(b) the Permanent Secretary who shall -

- (i) issue notices for Board meetings;
- (ii) keep in safe custody the common seal, documents, agreements and other records and conducting the correspondence of the Commission;
- (iii) perform such other duties as may be assigned to him, from time to time, by the Board.

(c) three part-time Commissioners who shall each -

- (i) possess professional and cognate experience in Finance and Investment, or Accounting or Pension Management or Actuarial Science or Business Administration or other related field, and
- (ii) be fit and proper persons,

(d) seven part-time members of the Commission who shall be representing:

- (i) the Commissioner for Finance and Economic Development;
- (ii) the Head of Civil Service;
- (iii) the State Auditor General;
- (iv) Nigeria Labour Congress, Ekiti State Chapter;
- (v) Trade Union Congress, Ekiti State Chapter;
- (vi) The Nigeria Union of Pensioners; and
- (vii) Pension Transitional Arrangement Department.

ex-senatorial (2) The Chairman and other Board members of the Commission other than officio members shall be appointed by the Governor to reflect the character of the State and the appointments shall be subject to the confirmation of the Ekiti State House of Assembly.

(3) The Chairman, the Permanent Secretary and other Board members of the Commission shall not:

- (a) own controlling shares in any Pension Fund Administrator or Pension Fund Custodian prior to or during their tenure of office as Chairman or members of the Commission;

- (b) be directors or shareholders in any Pension Fund Administrator or Pension Fund Custodian before the expiration of three years after ceasing to be a Chairman or members of the Commission;
- (4) The Chairman and each board members of the Commission shall within one month of appointment, declare personal shareholding as well as those of his family members or close associates in any Pension Fund Administrator or Pension Fund Custodian in writing to the Commission
- (5) The supplementary provisions set out in the Second Schedule to this Law shall have effect with respect to the proceedings of the Commission and the other matters mentioned therein.

#### **Tenure of Office.**

- 28.** (1) The Part-time Chairman, and the 3 part-time Commissioners shall hold at the pleasure of the Governor and in accordance with their letters of appointment.
- (2) On no account shall a person that has served for two consecutive terms in the Commission be reappointed to serve for a third succeeding term in the Commission.

#### **Cessation of Membership.**

- 29.** Notwithstanding the provisions of Section 27 of this Law, a member of the board of the Commission shall cease to hold office as a member of the Commission if—
- (a) he resigns his appointment as a member of the Commission by a notice, under his hand, addressed to the Governor;
  - (b) he becomes of unsound mind;
  - (c) he becomes bankrupt or makes a compromise with his creditors;
  - (d) his term of office expires;
  - (e) he dies;
  - (f) he is convicted of a felony or of any offence involving dishonesty, corruption;
  - (g) he becomes incapable of carrying on the functions of his office either arising from an infirmity of mind or body; or

- (h) he is found to have contravened Section 27 (3) and (4) of this Law
- (i) if upon a resolution of the House of Assembly, the Governor is satisfied that it is not in the interest of the public for the member to continue in office, the Governor shall notify the member in writing to that effect; and
- (j) in the case of ex-officio member, ceases to hold office on the basis of which he became a board member of the Commission.

(2) In the event of a vacancy occurring in the Commission, the Governor shall appoint a replacement from the senatorial district of the immediate past member that vacated office to complete the remaining tenure

#### **Emoluments, etc.**

30. The part-time Chairman, the Permanent Secretary and the part-time Commissioners of the Commission shall be paid such emoluments, allowances and incidental expenses as may be determined by the Governor from time to time.

### **PART VI FINANCIAL PROVISIONS.**

#### **Fund of the Commission.**

31. (1) The Commission shall establish and maintain a fund from which all its expenses will be defrayed.

(2) The fund established under subsection (1) of this Section shall consist of:

- (a) the initial take-off grant from the Ekiti State Government;
- (b) annual budgetary provision from the Ekiti State Government;
- (c) fees, fines and commissions charged by the Commission;
- (d) income from any investments made by the Commission;
- (e) grants, gifts or donations from International Organizations and Donor Agencies;
- (f) contribution from Joint Account and Allocation Committee (JAAC);

(g) funds from Treasury funded, Self-funded, and Sub-vented Institutions; and

(h) all sums of money or income accruing to the Commission by way of testamentary dispositions and endowments.

(3) The funds to be established and maintained under subsection 2 (b), (f) and (g) above shall not be less than 10% (ten percent) of the monthly contributions of the employer in each case.

#### **Estimates of income and expenditure.**

32. The Commission shall cause to be prepared and submitted to the Ministry of Finance and Budget, an estimate of its income and expenditure for the next succeeding year as may be requested for by the Ministry.

#### **Accounts and Audit.**

33. (1) The Commission shall cause to be kept proper accounts and records in relation thereto, such account shall, not later than 3 months from the end of each year, be audited by auditors appointed by the Commission from the list submitted by and in accordance with the guidelines supplied by the

Auditor-General of Ekiti State.

(2) An auditor appointed pursuant to subsection (1) of this section shall have access to all records relating to the accounts which are kept by the Commission or its agents and shall have the power to require from any employee or agent of the Commission such an explanation as in the auditor's opinion are necessary for the purpose of the audit.

(3) Any employee or agent of the Commission who fails, without reasonable cause, to comply with a request or instruction of an auditor pursuant to subsection (2) of this Section shall be guilty of an offence and is liable on conviction to a fine of ₦500,000.00 or 6 months imprisonment or both fine and imprisonment.

#### **Annual Report, etc**

34. (1) The Commission shall not later than four months after the end of each year submit to the Governor and the Public Accounts Committee of the Ekiti State House of Assembly report on the activities and administration of the Commission during the immediate preceding

year and shall include in such report the audited accounts of the Commission and the auditor's report thereon.

- (2) Without prejudice to subsection (1) of this Section, the Commission may submit such other reports to the Governor on matters of expediency or urgency relating to its functions under this Law as the Commission may, from time to time, determine.
- (3) The Commission shall not later than 6 months after the end of each year publish the annual reports prepared under subsection (1) of this Section in at least two national newspapers.

#### **Power to accept gift.**

35. (1) The Commission may accept gifts of land, money or other property or things upon such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the aims and objectives of the Commission under this Law.

#### **Power to borrow Funds and Recover Debts.**

36. (1) The Commission may, with the approval of the Governor, borrow money by way of overdraft or loan for the purpose of carrying out its functions under this Law.
- (2) Upon the service and expiration of 30 days notice by the Commission on any defaulting employer requesting the remittance of any CPS fund due to the Commission, the Accountant-General of the State shall have power to deduct such dues at source and remit same to the Commission.
- (3) The Accountant-General shall exercise such power under subsection (2) of this Section upon the receipt of plait from the Commission.

### **PART VII TRANSITIONAL PROVISIONS.**

#### **Retirement Benefits Bond Redemption Fund.**

**37. (1)** The Central Bank of Nigeria or any licensed Pension Fund Administrator enlisted by the Commission shall establish, invest and manage funds to be known as the Retirement Benefit Bond Redemption Funds (in this Law referred to as “the Ekiti State Redemption Fund”) for the benefit of specified retirees of the Public Service of Ekiti State.

(2) The State Government and other employers covered by this Law shall pay into the Redemption Funds an amount equal to 5% of the total monthly wage Bill payable to their eligible employees covered by this scheme.

(3) In the case of self-funded Institutions Agencies, and Parastatals, the State Government shall be at liberty to deduct the said 5% (five percent) at source from subventions or budgetary allocations due to such Institutions and Parastatals.

(4) Without prejudice to subsection (2) of this Section the Commission shall by the end of every calendar year, determine the adequacy of the Redemption Funds against the projected pension liability of Government arising from the voluntary and mandatory retirements, death of employees in service and the rights of pensioners to pension review in line with Section 173(3) of the 1999 Constitution (as amended) and advise the Budget Office of the State.

(5) The Budget Office of the State shall on receipt of advice from the Commission pursuant to subsection (4) of this Section ensure adequate appropriation for the shortfall and subsequent payment

(6) The amount in the Redemption Funds shall be used as prescribed by the Commission to redeem any Retirement Benefits Bonds issued pursuant to Section 21 of this Law.

(7) Payments into the Redemption Fund shall cease after all the Retirement Benefits Bonds issued under Section 21 of this Law have been redeemed.

(8) The Commission shall upon the failure of the Ekiti State Government to redeem any bond issued within one month of its due date request the National Pension Commission to demand such redemption in writing from the Ekiti State Government.

(9) Upon the failure of the Ekiti State Government to redeem the bond within one month of the receipt of the National Pension

Commission's demand, the National Pension Commission shall issue a request to the Accountant General of the Federation who shall thereafter deduct directly from the Ekiti State Government allocation from the Federation Account, the value of the bond and credit either the Redemption Fund Account or the Retirement Savings Account maintained by the affected employees with his Pension Fund Administrator.

### **State Government obligation to be a charge on the Consolidated Revenue Fund.**

38. (1) Government obligation to the Ekiti State Government Retirement Bonds to be a charge on the Consolidated Revenue Fund of the State.
- (2) The Accountant General of the State shall effect deductions and payments into the Redemption Funds.

### **Establishment of Pension Department.**

39. (1) There is established for the Public Service of Ekiti State Pension Department to be known as the Pension Transitional Arrangement Departments (referred to in this Law to as "the Department").
- (2) The Department shall be headed by an Executive Secretary.
- (3) The Department shall be made up of the existing Pension Boards or offices in the Public Service of the State, including –
- (a) Civil Service Pension Office;
  - (b) Local Government Staff Pension Board;
  - (c) Parastatals' Pension Office; and
  - (d) Pension offices in self-funded and subvented Institutions, Agencies and parastatals.
- (4) The Pension Transitional Arrangement Department shall on a monthly basis render returns of the comprehensive list of pensionable staff, pensioner, deceased pensioners and their next of kin to the Commission.
- (5) The Department shall operate under the rules, regulations and directives made by the Commission from time to time.

### **Functions of the Department.**



40. The Department shall carry out the existing functions of the relevant Pension Boards or offices in the public service of Ekiti State and shall in particular-
- (a) make budgetary estimates for existing pensioners and the officers exempted from this Scheme under Section 12 of this Law;
  - (b) prepare and submit the monthly payroll of pensioners to the office of the Accountant General of the State;
  - (c) receive budgetary allocations from the Government and make payments to pensioners as and when due;
  - (d) issue payment instructions to the Accountant General of the State;
  - (e) ascertain deficits in pension payments, if any, to existing pensioners or the categories of officers exempted under section 12 of this Law; and carry out such other functions aimed at ensuring the welfare of pensioners as the Commission may, from time to time direct.
  - (f) maintain a comprehensive database of pensioners under their respective offices/ jurisdiction to the Commission.
  - (g) render monthly report to the Commission on existing staff, pensioners, deceased pensioners, details of next of kin of deceased pensioners, and any issue as may be required by the Commission, from time to time.

**Determination and Payment of Pension to existing Pensioners and the exemption of officers.**

41. The Department shall determine and cause to be paid gratuity and pension to the existing pensioners and the category of officers exempted under Section 12 of this Law, in accordance with the relevant and applicable computations under the existing pay- as-you-go Pension Scheme of the Ekiti State Public Service.

**Transfer of Funds and assets of existing pension offices, etc before this Law.**

42. As from the commencement of this Law, the responsibilities, funds, assets or liabilities of all existing pension offices in the Public Service of Ekiti State shall be vested in the department as provided under this Law.

**The Department to be supervised by the Commission.**

43. (1) The Commission shall regulate and supervise the activities of the Department to ensure compliance with the provisions of this Law.

- (2) The Commission may, at the request of the Department, render technical support and advice on the management of pension.

**Death of exempted officer in service or in the course of duty.**

44. Where an officer exempted under Section 12 of this Law dies in service or in the course of duty, the Department shall pay enbloc, his next-of-kin or designated survivors a gratuity and pension to which the officer would have been entitled at the date of his death calculated in accordance with Section 41 of this Law.

**Retirement of exempted officer as a result of incapacity.**

45. (1) Where an officer exempted under Section 12 of this Law is retired by his employer as a result of mental or physical incapacity, the officer shall be paid gratuity and pension in accordance with Section 41 of this Law.

- (2) For the purpose of this Section, a properly constituted medical board shall advise the employer on the officer's state of incapacity.

**Cessation of the Department etc.**

46. The Department shall cease to exist after the death of the last pensioner or category of employee entitled to retire with pension as specified in Section 12(1) of this Law.

**PART VIII**

**PENSION FUND ADMINISTRATORS AND CUSTODIANS.**

**Pension Fund Administrators.**

47. As from the commencement of this Law, pension funds for employees in the Public Service of Ekiti State shall only be managed by Pension Fund Administrators enlisted by the Commission as approved and licensed by the National Pension Commission.

**Functions of the Pension Fund Administrator.**

48. Any Pension Fund Administrator approved under this Law shall carry out the following functions:

- (a) open retirement savings account for all employees with a Personal Identity Number (PIN) attached;
- (b) invest and manage pension funds and assets in accordance with the provisions, of this Law and any other legislation affecting the investment of Pension and trust funds;
- (c) maintain books of account on all transactions relating to pension funds managed by it;
- (d) provide regular information on investment strategy' market returns and other performance indicators to the Commission and employees or beneficiaries of the retirement savings accounts;
- (e) provide customer service support to employees; including access to employees account balances and statements on demand;
- (f) cause to be paid retirement benefits to employees in accordance with the provisions of this Law;
- (g) be responsible for all calculations in relation to retirement benefits; and
- (h) carry out other functions as may be directed, from time to time, by the Commission.

**Application for Operation as Pension Fund Administrator.**

- 48.** A person proposing to operate as a Pension Fund Administrator in respect of employees in the Public Service of Ekiti State shall apply to the Commission in form and with the payment of such fees as the Commission may, from time to time prescribe.

**Requirements for Operation as Pension Fund Administrator in Ekiti State.**

- 50.** No application for listing and operating as a Pension Fund Administrator in respect of employees in the Ekiti State Public service shall be granted, unless the applicant:
- (a) is licensed or registered as a Pension Fund Administrator by the National Pension Commission;
  - (b) satisfies the Commission that it has the professional capacity to manage pension funds and administer retirement benefits;
  - (c) has never been a manager or administrator of any fund which was mismanaged or has been in distress due to any fault either full partially, of the Pension Fund Administrator or any of its subscribers, directors or officers;
  - (d) undertakes to the satisfaction of the Commission that it shall not be engaged in any business other than the management of pension funds; and

- (e) satisfies such additional requirements or conditions as may be prescribed, from time to time, by the Commission.

**Pension Fund custodian.**

- 51.** As from the commencement of this Law, pension funds and assets shall only be held by pension funds custodian (in this Law referred to as the custodian) approved and licensed by the National Pension Commission.

**Functions of the Pension Fund custodian.**

- 52.** The custodian shall carry out the following functions –
- (a) receive the total contributions remitted by employers under Section 17 of this Law on behalf of the Pension Fund Administrator and credit the accounts of the Pension Fund Administrator immediately;
  - (b) notify the Pension Fund Administrator within 24 hours of the receipt of contributions from any employer;
  - (c) hold pension funds and assets in safe custody on trust for the employee and beneficiaries of the Retirement Savings Accounts;
  - (d) on behalf of the Pension Fund Administrator, settle transactions and undertake activities relating to the administration of pension fund investments including the collection of dividends and related activities;
  - (e) report to the Commission on matters relating to the assets being held by it on behalf of any Pension Fund Administrator at such intervals as may be determined, from time to time, by the Commission;
  - (f) undertake statistical analysis on the investments and returns on investments with respect to pension funds in its custody and provide data and information to the Pension Fund Administrator and the Commission; and
  - (g) execute in favour of the Pension Fund Administrator relevant proxy for the purpose of voting in relation to the investments
  - (h) carry out other functions as may be prescribed by regulation and guidelines issued by the Commission, from time to time.

**Pension Protection Fund.**

- 53.** (1) The Commission shall establish and maintain a fund to be known as the Pension Protection Fund for the benefit of eligible pensioners covered by this Scheme.

- (2) The Pension Protection Fund shall consist of:
  - (a) an annual subvention of 1% of the total monthly wage bill of eligible employees covered by this scheme and payable towards the funding of the minimum guaranteed pension;
  - (b) income from investment of the Pension Protection Fund.
- (3) The Commission shall utilize the Pension Protection Fund for-
  - (a) the funding of the minimum guaranteed pension pursuant to Section 54 of this Law;
  - (b) the payment of compensation to eligible pensioners for the shortfall or financial losses arising from investment activities; and
  - (c) any other purposes deserving protection with the Pension Protection Fund as the Commission may from time to time determine.
- (4) The Commission shall make regulations governing the operations of Pension Protection Fund, fund management and custody, eligibility criteria and related matters.

#### **Minimum Pension Guarantee.**

54. All Retirement Savings Account holders who have contributed for a number of years to a licensed Pension Fund Administrator under this Law shall be entitled to a guaranteed minimum pension as may be specified from time to time by the Commission.

### **PART IX DISPUTE RESOLUTION.**

#### **Dispute resolution.**

55. (1) Any employee or beneficiary of a Retirement Savings Account who is dissatisfied with a decision of Pension Fund Administrator or employer in respect of pension matters under this Law may request in writing, that such decisions be reviewed by the Commission with a view to ensuring that such decision is made in accordance with the provisions of this Law or any regulations made there under.
- (2) A copy of every request under this Section shall be served on the relevant Pension Fund Administrator or employer.

- (3) The Commission shall, in the exercise of its powers under this Section, conduct its proceedings in such a manner as to avoid delay.
- (4) Notwithstanding Section 27 (1) of this Law, where the Commission is to be reconstituted after six months of the dissolution, the Governor may appoint fit and proper persons with pension cognate experience to constitute the Commission, subject to the confirmation of the House of Assembly.

#### **Arbitration and Arbitral Awards Law No. 2, 2014.**

- 56.** (1) Where either party is dissatisfied with the decision of the Commission on any matter referred to it under Section 55 of this Law, such party may refer the matter to arbitration in accordance with the Arbitration Law or to the National Industrial Court.
- (2) Where any person, or body corporate is aggrieved or dissatisfied with any action or decision of the Commission under this Law, the aggrieved person or body corporate may refer the matter to arbitration under Arbitration Law or to the National Industrial Court.

#### **Arbitral award.**

- 57.** (1) Any arbitration award made under Section 56 of this Law shall be binding on the parties and shall be enforceable by a court of competent jurisdiction.
- (2) Notwithstanding the provision of any law, no limitation of time shall apply to actions for the recovery of contributions, penalties and other benefits under this Law.

#### **Application of Public Officers Protection Law.**

- 58.** (1) Subject to the provisions of this Law, the provisions of the Public Officers Protection Law shall apply in relation to any suit instituted against an officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law, no suit shall lie against a member of the Board, Permanent Secretary, Commissioner or any other officer or employee of the Commission for any act done in pursuance or execution of this Law or any other enactment or of any public duty or authority in respect of any alleged neglect or default in the execution of this Law or any other enactment or law, duty or authority or be instituted in any court unless it is commenced –
- (a) within three months next after the act, neglect or default complained of; or

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

**Procedure in respect of suit against the Commission.**

59. (1) No suit shall be commenced against the members of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Commission by the intending plaintiff or his agent.
- (2) The notice referred to in subsection (1) of this Section shall clearly and explicitly state
- (a) the cause of action;
  - (b) the particulars of the claim;
  - (c) the name and place of abode of the intending plaintiff; and
  - (d) the relief which he claims.

**Service of Notice.**

60. This notice referred to in Section 59 of this Law and any summons, notice or other document required or authorized to be served upon the Commission under the provision of this Law or any other law may be served by delivering the same to the Permanent Secretary or any principal officer or by sending it by registered post addressed to the Permanent Secretary at the Headquarters of the Commission.

**PART X  
MISCELLANEOUS PROVISIONS.**

**Power to make Regulations.**

61. (1) The Commission may make regulations generally or for the carrying into effect the provisions of this Law
- (2) The contravention of any regulation issued pursuant to any of the provisions of this Law shall constitute an offence and shall be punishable as prescribed in the particular regulation.
- (3) A Board member of the Commission, officer or employee of the Commission shall be indemnified out of the assets of the Commission against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, officer or employee of the Commission.

**Obligation of confidentiality by Pension Fund Administrators or Custodians.**

62. (1) Notwithstanding the provisions of any other law, every member of the Board, officer, employee, agent or any other person engaged by a Pension Fund Administrator or Pension Fund Custodian shall not make any unauthorized disclosure or use of any information which they may have received directly or indirectly in the course of their engagement with a Pension Fund Administrator or Pension Fund Custodian.
- (2) The obligation under subsection (1) of this Section shall continue even after the termination of appointment as a member of the Board, officer, employee or agent of the Pension Fund Administrator or Pension Fund Custodian.
- (3) The Obligation specified in subsection (1) of this Section extends to members of the board of Commission, officers, employees and any agent or other persons engaged by the Commission.
- (4) The provisions of subsection (1) of this Section shall not apply to communications made to the Commission, external auditors of the Pension Fund Administrator or Pension Fund Custodian in connection with the purposes of the Commission or pursuant to the provisions of this Law.

**Obligation of confidentiality by the Commission.**

63. (1) Without prejudice to any other law, no member of the Board, officer, employee, agent of the Commission or persons authorized by the Commission to examine a document or make an inquiry under this Law shall disclose except in the performance of their duties or under authority of the Commission.
- (2) Notwithstanding subsection (1) of the Section, a member of the Board, officer, employee or agent of the Commission or any person authorized by the Commission to examine or make an inquiry under this Law shall be entitled to disclose any information obtained in the administration of this Law where such is required by any court of competent jurisdiction.

**Exemption of pension fund from liquidation process or garnishee proceedings.**

64. (1) (a) Notwithstanding the provisions of any other enactment or law, no pension fund or assets kept with a Custodian under this Law shall be used to meet claims of any of the Pension Fund Custodian's creditors in the event of liquidation of the Pension Fund Custodian.



(b) The pension life annuity funds and assets in the custody of any Insurance Company shall not be seized or subject to of any execution of judgment debt or be used to meet the claims of any of their creditors in the event of winding up, liquidation or otherwise cessation of business of the Insurance Company in all cases.

(2) In the case of winding up, liquidation or other cessation of business of the Pension Fund Custodian or any or all of its shareholders, the pension funds or assets in the custody of the Pension Fund Custodian shall not be seized or be subject of execution of a judgment debt or stopped from transfer to another Pension Fund Custodian.

(3) Pension fund and assets in the retirement savings accounts shall not be subject to attachment, injunctive and any garnishee proceeding or used in a judgment debt obtained against any person.

#### **Transitional Provisions.**

65. (1) Subject to the provisions of this Law, the Permanent Secretary of the Commission established under the repealed Law is deemed to have been transferred to the Commission under the same conditions as Permanent Secretary.
- (2) The Commission shall be subject to all the obligations and liabilities to which the Commission established under the repealed Law was subject immediately before the commencement of this Law and all other persons shall have the same right, powers and remedies against the Commission as they are established under the repealed Law immediately before the commencement of this Law.
- (3) Any proceeding or cause of action pending or existing immediately before the commencement of this Law by or against the Commission established under the repealed Law in respect of any right, interest, obligation or liability of the Commission established under the repealed Law, may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Commission established by this Law to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforce by or against the Commission established under the repealed Law, as if this Law had not been made.
- (4) As from the commencement of this Law, any disciplinary proceeding pending or existing against any employee of the Commission

established under the repealed Law, shall be continued and completed by the Commission.

#### **Enactments inconsistent with this Law.**

66. If any other State law relating to Pensions is inconsistent with this Law, this Law shall prevail.

#### **Interpretations.**

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

"**agent**" means any person who is engaged, retained or co-opted by the Commission for a special purpose;

"**annuity**" means a right to receive periodic payments, usually fixed in size, for life or term of years;

"**annual total emolument**" in relation to the Group Life Insurance Policy to be maintained by an employer means the gross emoluments of an employee or deceased person;

"**Commission**" means the Ekiti State Pension Commission established under Section 22 of this Law;

"**Court of competent jurisdiction**" includes the Federal High Court, High Court of Ekiti State and the National Industrial Court;

"**Custodian**" means a company so licensed by the National Pension Commission and approved under this Law as Pension Fund Custodian.

"**Distributable Income**" means all income earned by the contribution less reasonable charges and costs on investment transactions and other reasonably allowable fees and charges;

"**Employee**" means any person employed in the Public Service of Ekiti State,

"**Employer**" means the Ekiti State Government, a Local Government Council, all Self-funded Institutions, Agencies and Parastatals established by the State government.

"**Governor**" means the Governor of Ekiti State;

"**Monthly emoluments**" means a total emoluments as may be defined in the employee contract of employment but shall not be less than sum of basic salary, housing allowance and transport allowance;

"**Public Service of Ekiti State**" is as defined in Section 318 of the Constitution of Federal Republic of Nigeria 1999;

"**Pension fund**" means an investment fund within the Pension Scheme which is intended to accumulate during an individual working life from contributions and investment income, with the intention of providing income in retirement from the purchase of an annuity or in the form of a programmed withdrawal,

with the possible option of an additional tax free cash lump sum being paid to the individual;

“**Pension fund assets**” means assets set aside as retirement benefits;

“**Pension Fund Administrator**” means anybody corporate licensed by the National

Pension Commission and approved by the Ekiti State Pension Commission as a Pension Fund Administrator;

“**Pension Fund custodian**” a company incorporated under Company and Allied Matters Act that has been licensed by the National Pension Commission and approved by the Ekiti State Pension Commission under this Law

“**Pension Reform Act**” means Pension Reform Act, 2014;

“**PIN**” means Personal Identification Number issued to individual upon opening a retirement Savings Account;

“**Programmed withdrawal**” means a product offered by a Pension Fund Administrator for periodic payments to a beneficiary of a Retirement Savings Account as specified in Section 7 of this Law;

“**Public Service of Ekiti State**” is as defined in Section 318 of the Constitution of Federal Republic of Nigeria 1999;

“**Retirement Savings Account**” means an account opened with a Pension Fund

Administrator as specified in Section 17 of this Law;

“**Scheme**” means the Contributory Pension Scheme established under Section 1 of this Law.

“**Self-funded**” means any government institution, agency, or parastatal which receives subventions from the State government in addition to its internally generated revenue to finance its recurrent and capital expenditure.

#### **Repeal of Ekiti State Pension Law, No. 1 of 2017.**

- 68.** The Ekiti State Pension Law, No. 1 of 2017 is hereby repealed.

#### **Citation.**

- 69.** This Law may be cited as the Ekiti State Pension Reform Law, 2022.

**SCHEDULE**  
**FIRST SCHEDULE**  
**PENSION AND GRATUITY**  
**COMPUTATION PERCENTAGE**

YEARS	GRATUITY	PENSION
5	100%	-
6	108%	-
7	116%	-
8	124%	-
9	132%	-
10	100%	30%
11	108%	32%
12	116%	34%
13	124%	36%
14	132%	38%
15	140%	40%
16	148%	42%

17	156%	44%
18	164%	46%
19	172%	48%
20	180%	50%
21	188%	52%
22	196%	54%
23	204%	56%
24	212%	58%
25	220%	60%
26	228%	62%
27	236%	64%
28	244%	66%
29	252%	68%
30	260%	70%
31	268%	72%
32	276%	74%
33	284%	76%
34	292%	78%
35	300%	80%

## SECOND SCHEDULE

### SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION.

#### **Meetings of the Commission.**

1. There shall be four board meetings of Commission in every calendar year and subject thereto, the Commission shall meet whenever it is convened by the Chairman.
2. Every meeting of the Commission shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their members to preside at the meeting.
3. The quorum of any board meeting of the Commission shall be two-third of members, including the Chairman, or his representative pursuant to paragraph 2 of this Schedule.
4. The Commission shall meet for the conduct of its business at the Headquarter of the Commission and on such days as the Chairman may appoint save public holidays and weekends.

5. A question put before the Commission at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.
6. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberate vote.
7. Where the Commission seeks the advice of any person on a particular matter, the Commission may invite that person to attend for such period as it thinks fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Commission and shall not be counted towards the quorum.
8. The Commission may appoint one or more committees to carry out on behalf of the Commission such of its functions as the Commission may determine and report on any matter with which the Commission is concerned.
9. A Committee appointed under paragraph 8 of this Schedule shall be presided over by a member of the Commission and consist of such number of persons (not necessarily all members of the Commission) as may be determined by the Commission, and a person other than a member of the Commission shall hold office in the Committee in accordance with terms of his appointment.
10. A decision of a Committee of the Commission shall be of no effect until the Commission confirms it.

**Proceedings.**

11. The Commission shall have the power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its Committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Commission may from time to time, determine.

**Miscellaneous:**

12. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and the Permanent Secretary and such other person authorized by the Commission to act for that purpose.
13. A contract or an instrument which, if made or executed by a person not being a body corporate would be required to be under seal, may be made or executed on behalf of the Commission by the Chairman or the Permanent Secretary or

by any person generally or specifically authorized to act for that purpose by the Commission.

14. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been properly signed or sealed.
15. The validity of any proceedings of the Commission or its Committees shall not be affected by-
  - (a) any vacancy in the membership of the Commission or its Committees;  
or
  - (b) by reason that a person not entitled to do so took part in the proceeding;  
or
  - (c) any defect in the appointment of a member.
16. Any member of the Commission or Committee thereof who has a personal interest in contract or arrangement entered into or proposed to be considered by the Commission or any Committee thereof
  - (a) shall forthwith disclose his interest to the Commission or Committees;  
and
  - (b) shall not vote on any question relating to the contract or arrangement.

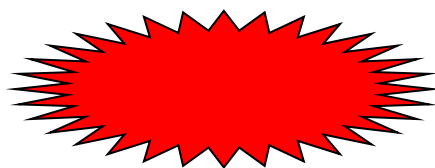
**This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.**

.....  
**MR. TOLA ESAN**  
*Clerk of the House of Assembly*

.....  
**RT. HON. FUNMINIYI AFUYE**  
*Speaker of the House*

**Governor's Assent**

**I hereby signify my assent to this Bill**





**DR. JOHN KAYODE FAYEMI**  
**Executive Governor of Ekiti State**

**MADE AT ADO EKITI THIS ..... DAY OF**  
**.....2022**

EKITI STATE PENSION REFORM LAW, 2022