

RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL  
(REPEAL AND RE-ENACTMENT) BILL, 2017

ARRANGEMENT OF SECTIONS

*Section*

PART I - OBJECT, ESTABLISHMENT OF THE RAW MATERIALS RESEARCH  
AND DEVELOPMENT COUNCIL, BOARD AND POWERS OF THE BOARD

1. Object of the Bill
2. Establishment of the Raw Materials Research and Development Council
3. Establishment of the Governing Board of the Council
4. Tenure of members of the Board
5. Remuneration and allowances for members of the Board
6. Removal of any member of the Board
7. Cessation of members of the Board from office
8. Function of the Council
9. Functions and powers of the Board
10. Appointment of the Director-General of the Council
11. Appointment of Directors and other staffs of the Council
12. Remuneration of employees of the Council
13. Staff Regulations, etc.
14. Application of the Pensions Reform Act

PART V - FINANCIAL PROVISION

15. Fund of the Council
16. Annual estimate
17. Accounts and audit
18. Annual report
19. Disposal of surplus funds

PART VI - MISCELLANEOUS

20. Power to borrow money
21. Power to accept gifts

22. Power of the Minister to give directives
23. Legal proceedings
24. Restriction on Execution against Property of the Agency
25. Indemnity
26. Repeal, savings and transitional provision
27. Power to make Regulations
28. Duty of secrecy
29. Short title

**SCHEDULES**

**A BILL** [EXECUTIVE]

**FOR**

AN ACT TO (REPEAL AND RE-ENACT THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT CAP. R3 LFN, 2004) AND TO RE-ENACT THE RAW MATERIALS RESEARCH AND DEVELOPMENT COUNCIL ACT AND FOR RELATED MATTERS

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - OBJECT, ESTABLISHMENT OF THE RAW MATERIALS RESEARCH  
2 AND DEVELOPMENT COUNCIL, BOARD AND POWERS OF THE BOARD

3 1. The objects of the Council are to: Object of the Bill

4 (a) develop policy guidelines and programmes on raw materials  
5 acquisition, exploitation and development;

6 (b) advise the Federal Government on the strategic implication of  
7 depletion, conservation or stock-piling of resources;

8 (c) advise on adoption of machinery and processes for raw  
9 materials utilization;

10 (d) encourage the growth of implant research and development  
11 capabilities;

12 (e) evaluate and advise government on special research grants for  
13 specific objectives; and

14 (f) carry out such other activities that may enhance the  
15 performance of objectives of this Bill.

16 2.-(1) There is established a body to be known as the Raw Materials  
17 Research and Development Council (hereinafter in this Bill referred to as  
18 "the Council"). Establishment of the Raw Materials Research and Development Council

19 (2) The Council:

20 (a) shall be a body corporate with perpetual succession and a

1 common seal;

2 (b) may sue and be sued in its corporate name; and

3 (c) may acquire, hold or dispose off any property, movable or  
4 immovable for the purpose of carrying out any of its functions under this Bill.

Establishment  
of the Governing  
Board of the  
Council

5 3.-(1) There is established for the Council, a Governing Board  
6 (hereinafter in this Bill referred to as the Board"), which shall conduct the  
7 affairs of the Council.

8 (2) The Board shall consist of:

9 (a) a Chairman, appointed by the President on the recommendation  
10 of the Minister;

11 (b) a representative of the of the Federal Ministry of Science and  
12 Technology;

13 (c) a representative of the Manufacturers Association of Nigeria;

14 (d) a representative of the Nigerian Association of Small Scale  
15 Industrialists;

16 (e) a representative of the Nigerian Association of Chambers of  
17 Commerce, Industry, Mines and Agriculture;

18 (f) a representative of the Federal Ministry charged with the  
19 responsibility of Commerce, Industry, Trade and Investment;

20 (g) a representative of the Ministry responsible for National Planning;

21 (h) a representative of the Federal Ministry charged with the  
22 responsibility of Defence;

23 (i) a representative of the Federal Ministry charged with the  
24 responsibility of Agriculture and Rural Development;

25 (j) a representative of the Federal Ministry charged with the  
26 responsibility for Mineral Development;

27 (k) a representative of research institutions, appointed by the  
28 Minister; and

29 (l) the Director-General of the Council, who shall be a members and  
30 serves as the Secretary to the Board.

1 (3) Members of the Board, other than the Director-General shall  
2 serve the Council on part-time basis.

3 (4) The supplementary provisions set out in the Schedule to this  
4 Bill, shall have effect with respect to the proceedings of the Board and other  
5 matters contained therein.

6 4.-(1) Members of the Board, other than an ex-officio member,  
7 shall hold office for four years and may be re-appointed for another period of  
8 four years and no more.

Tenure of  
members of the  
Board

9 (2) No member of the Board shall be entitled to appoint another  
10 person to represent him at any meeting of the Board.

11 5. The Chairman and other members of the Board shall be paid  
12 such allowances and expenses as the Federal Government may, from time to  
13 time direct and approve.

Remuneration  
and allowances  
for members of  
the Board

14 6.-(1) Where it appears to the Board that any member of the Board,  
15 other than an ex-officio member, should be removed from the Board of the  
16 Council on the grounds of misconduct or inability to perform the functions  
17 of his office, the Board shall make recommendation for his removal to the  
18 Minister for approval.

Removal of any  
member of the  
Board

19 (2) Where the President, after making such inquires as he consider  
20 necessary and approve the recommendation for removal made, the  
21 Secretary to the Government of the Federation shall, in writing declare the  
22 office of such member vacant.

23 (3) Notwithstanding subsection (1) of this section, the President  
24 may remove any member of the Board, where he is satisfied that it is in the  
25 interest of the public to do so.

26 7.-(1) Notwithstanding the provisions of section 3 of this Bill, a  
27 member of the Board shall cease to hold office, where:

Cessation of  
members of the  
Board from office

28 (a) he resigns his appointment as a member of the Board;

29 (b) by notice under his hand addressed to the President of the  
30 Federal Republic of Nigeria;

- 1 (c) he becomes of unsound mind;
- 2 (d) he becomes bankrupt;
- 3 (e) he is convicted of a felony or any other offence involving
- 4 dishonesty or corruption;
- 5 (f) he becomes incapable of discharging the functions of his office
- 6 either arising from an infirmity of mind or body;
- 7 (g) the President of the Federal Republic of Nigeria is satisfied that it
- 8 is not in the best interest of the Council or of the public for such member to
- 9 continue in office;
- 10 (h) he has been found guilty under the Code of Conduct or serious
- 11 misconduct in relation to his duties; or
- 12 (i) in the case of a person who becomes a member by virtue of the
- 13 office he occupies cease to hold such office.
- 14 (2) Where a person ceases to be a member subject to subsection (1) of
- 15 this section, the body or organisation which the member represents in the board
- 16 shall send another representative to serve the unexpired tenure of that member.
- 17 (3) Any person who has ceased to be a member of the Board shall not
- 18 be eligible for reappointment into the Board as a member.
- 19 8. The functions of the Council shall be to:
- 20 (a) undertake measures to ensure the systematic exploitation,
- 21 development and utilization of Nigeria's raw materials resources;
- 22 (b) review from time to time, raw materials resources availability and
- 23 utilization with a view to advising the Federal government on the strategic
- 24 implication of such resources;
- 25 (d) advise on adoption of machinery and processes for raw materials
- 26 utilization;
- 27 (e) publicise research findings and source for raw materials for
- 28 industries;
- 29 (f) encourage the growth of implant research and development
- 30 capabilities;

Function of the  
Council

1 (g) organise workshops, symposia and seminars from time to time  
2 to enlighten people on new developments and emerging solutions;

3 (h) evaluate and render advice on special research grants for  
4 specific purpose, and

5 (i) carry out such other activities as may be necessary for the  
6 performance of its functions under this Bill.

7 9. The functions of the Board shall be to:

Functions and  
powers of the  
Board

8 (a) formulate policies for the Council;

9 (b) consider and approve annual budget estimates, auditor's report  
10 and reports of various committees of the Council;

11 (c) consider and approve appointments of principal officers of the  
12 Council;

13 (c) Invest surplus funds of the Council in profit-yielding ventures;  
14 and

15 (d) perform such other functions and powers as are necessary for  
16 the realization of the objects of the Council.

17 10.-(1) There shall be appointed for the Council, a Director-  
18 General, who shall be the Chief Executive Officer of the Council.

Appointment of  
the Director-  
General of the  
Council

19 (2) The Director-General shall be:

20 (a) appointed by the President on the recommendation of the  
21 Minister;

22 (b) a person who possess not less than 15 years Post qualification  
23 experience in Engineering or any other profession in any of the pure  
24 sciences and possess vast experience in raw materials acquisition,  
25 exploitation, conservation and development;

26 (c) responsible to the Board for the management of the affairs of  
27 the Council;

28 (d) entitled to earn a remuneration and allowances as may be  
29 specified in his letter of appointment; and

30 (e) hold office for a period of 4 years at the first instance on such

1 terms and conditions, may be eligible for re-appointment for another period of  
2 4years and no more.

3 (3) The Director-General shall be the Chief Executive and  
4 Accounting Officer of the Council and shall be responsible for the day-to-day  
5 administration in the Council.

Appointment of  
Directors and  
other staffs of  
the Council

6 11. The Board shall promote within the Council well-qualified and  
7 experienced persons as directors, to be in charge of the departments and such  
8 other members of staff as may be necessary for the effective performance of the  
9 functions set out in this Bill.

Remuneration  
of employees  
of the Council

10 12. Salaries and benefits of members of staff of the Council shall be  
11 in accordance with the conditions and scheme of service in the Council or as  
12 may be approved by the President.

Staff Regulations,  
etc.

13 13. The Board may make regulations relating generally to the  
14 conditions and scheme of service of the staff of the Council and such  
15 regulations may provide for:

16 (a) the appointment, promotion, termination, dismissal and  
17 disciplinary control over the staff of the Council;

18 (b) remuneration and fringe benefits subject, to the approval of the  
19 National Salaries Incomes and Wages Commission; and

20 (c) appeals by staff against dismissal or other disciplinary measures.

21 (2) Staff regulations made under subsection (1) of this section, shall  
22 have effect when approved by the Minister and gazetted in the official gazette  
23 of the government.

Application of  
the Pensions  
Reform Act

24 14.-(1) Service in the employment of the Council shall be an approved  
25 service under the Pension Reform Act and accordingly, employees of the  
26 Council shall, in respect of their services be entitled to pensions, gratuities and  
27 other retirement benefits as are prescribed under this Bill.

28 (2) Notwithstanding the provisions of subsection (1) of this section,  
29 nothing in this Bill shall prevent the appointment of a person into any office on  
30 terms and conditions, which preclude the grant of a pension and gratuity in



1 respect of that office.

2 (3) For the purposes of the application of the Pensions Reform Act,  
3 any power exercisable under this Bill by the Minister or authority other than  
4 the Federal Government, not being the power to make regulations under this  
5 Bill, such power is vested and shall be exercisable by the Council.

6 (4) Subject to this section, the Pensions Reform Act shall, in  
7 application of this section to any office, have effect as if the office were in  
8 the public service of the Federation within the meaning of the Constitution  
9 of the Federal Republic of Nigeria, 1999 (as Amended).

#### 10 PART V - FINANCIAL PROVISION

11 15.-(1) The Council shall establish a fund into which shall be paid  
12 all monies received from the Federal Government of Nigeria and any other  
13 sources, including gifts, endowment, from which shall be defrayed all  
14 expenditure incurred by the Council for the purposes of this Bill

Fund of the  
Council

15 (2) There shall be paid and credited to the fund of the Council:

16 (a) 1% surcharged on all imports;

17 (b) fees charged for consultancy service and other services  
18 rendered by the Council;

19 (c) contributions from the organised private sector;

20 (d) foreign aid and assistance from bilateral and multilateral  
21 agencies;

22 (e) fees charged for services rendered by the Council; and

23 (f) all sums accruing to the Council by way of gifts, endowments,  
24 testamentary disposition or other voluntary contributions by persons,  
25 organisations and foreign aids.

26 (3) The Council shall from time to time, apply the Fund of the  
27 Council towards the promotion of the objects of this Bill.

28 16. The Board shall submit to the President through the Minister,  
29 not later than 31st October of each year, its programme of work and  
30 estimates of its income and expenditure for the following year.

Annual estimate

Accounts and Audit	1	17.-(1) The Board shall keep proper accounts and records of the
	2	Council.
	3	(2) The accounts of the Council shall be audited, not later than 6
	4	months at the end of each financial year by auditors appointed from the list and
	5	in accordance with the guidelines supplied by the Auditor-General of the
	6	Federation by the Council and shall include in such report, a copy of the audited
	7	accounts and the auditor's report of the Council.
Annual report	8	18.-(1) The Council shall prepare and submit to the President through
	9	the Minister an annual report of its activities not later than 30th June of each
	10	year and such report shall include a copy of the audited accounts and the
	11	auditor's report of the Council.
	12	(2) The Council shall not later than 30th September of each year,
	13	submit to the President through the Minister, an annual report of each of its
	14	subsidiary bodies for the preceding year.
Disposal of surplus funds	15	19. The Board may invest any surplus funds of the Council in profit-
	16	yielding ventures, notwithstanding the power of the Council, the President may
	17	issue to the Council directives as he thinks necessary for the disposal of any
	18	surplus funds in the Council.
	19	PART VI - MISCELLANEOUS
Power to borrow money	20	20.-(1) The Council may, take loan or overdraft or such sums as may
	21	be required for the performance of its functions under this Bill.
	22	(2) The Council shall not, without the approval of the President, take
	23	loan or overdraft which exceeds, at any time, the limit set by the President.
	24	(3) Notwithstanding subsection (2) of this section, where the sum to
	25	be borrowed is in foreign currency, the Council shall not borrow the sum
	26	without prior approval of the President.
	27	(4) For the purposes of this section, any money borrowed by the
	28	Council from any of its subsidiaries shall be disregarded.
Power to accept gifts	29	21.-(1) The Council may accept gifts of land, money or other
	30	property, on such terms and conditions if any, as may be specified by the person

1 or organization making the gift.

2 (2) The Council shall not accept any gift, if the conditions attached  
3 by the person or organizations making the gift are inconsistent with the  
4 object of this Bill.

5 22. The Minister may give to the Council, directives of a general  
6 character relating to the policies and functions of the Council and the  
7 Council shall comply with any directives given by the Minister that is in the  
8 best interest of the Council.

Power to give  
directives

9 23.-(1) No suit shall be commenced against the Council before the  
10 expiration of a period of one month after written notice of intention to  
11 commence the suit have been served on the Council.

Legal proceedings

12 (2) The notice shall specify the Plaintiff or his Agent and clearly  
13 state the:

- 14 (a) cause of action;
- 15 (b) particulars of the claims;
- 16 (c) name and place of abode of the intending plaintiff; and
- 17 (d) the relief sought in the claim.

18 (3) The notice referred to in subsection (1) of this section in relation  
19 to any summons, notice or other document required or authorized to be  
20 served on the Council under the provision of this Bill or any other enactment  
21 or law, may be served by:

- 22 (a) delivering same to the Director-General, or
- 23 (b) sending it by registered post addressed to the Director-General  
24 at the head office of the Council.

25 (4) In any action or suit against the Council, no execution or  
26 attachment or process of any nature thereof, shall be issued against the  
27 Council, but any sum of money which may, by the judgment of the court, be  
28 paid from the general reserve of the Council.

29 24.-(1) In any action or suit against the Council, no execution or  
30 attachment of process shall be issued against the Council unless, not less

Restriction on  
execution against  
property of the  
Council

1 than three months' notice of the intention to execute or attach has been given to  
2 the Council.

3 (2) Any sum of money, which by the judgment of any court, has been  
4 awarded against the Council shall, subject to any direction given by the court,  
5 where notice of appeal against the judgment has been given, be paid from the  
6 fund of the Council.

Indemnity

7 25. Members of the Board, Director-General or employee of the  
8 Council shall be indemnified out of the assets of the Council against any  
9 proceedings brought against him in his capacity as a member of the Board,  
10 Director-General, officer or employee of the Council, where the act  
11 complained of is not ultra vires his power

Repeal, savings  
and transitional  
provision

12 26.-(1) The Raw Materials Research and Development Council (Cap  
13 R3 LFN, 2004) Act, is hereby repealed,

14 (2) Any person who at the commencement of this Bill was a member  
15 of staff or an employee of the Raw Materials Research and Development  
16 Council, shall as from the commencement of this Bill become a member of  
17 staff or employee of the Council with the status, rank, designation and  
18 functions which corresponds to which pertained to him as a member of staff or  
19 employee of the Raw Materials Research and Development Council,

20 (3) All assets, rights, liabilities and obligations which immediately  
21 before the commencement of this Bill were assets, rights, liabilities and  
22 obligations of the repealed Act, shall by virtue of this Bill, be taken over by the  
23 Council.

Power to make  
Regulations

24 27. The Council may with the approval of the Minister, make  
25 Regulations to prescribe:

26 (a) methods of payments into the fund of the Council by private  
27 sector;

28 (b) the fees to be paid for services rendered by the Council; and

29 (c) generally for the purposes of carrying out or giving full effect to  
30 the provisions of this Bill.

1                   **28.-(1)** A member of the Board or the Director-General or any other     Duty of secrecy  
2 officers of the Council shall:

3                   (a) not, for his personal gain, make use of any information which  
4 has come to his knowledge in the exercise of his power or is obtained by him  
5 in the ordinary course of his duty as a member of the Board or as a Director-  
6 General or officer of the Council;

7                   (b) treat as confidential any information, which has come to his  
8 knowledge in the exercise of his power or is obtained by him in the  
9 performance of his duties under this Bill; and

10                  (c) not disclose any information referred to under paragraph (b) of  
11 this subsection, except when required to do so by a court or in such other  
12 circumstances as may be prescribed by the Board from time to time,

13                  (2) Any person who contravenes the provisions of subsection (1) of  
14 this section commits an offence and is liable on conviction to a fine of not  
15 less than N100,000.00 or imprisonment for a term not exceeding 2 years or  
16 to both such fine and imprisonment.

17                  **28.** In this Bill, unless the context otherwise requires:                   Interpretation

18 "Council" means the Raw Materials Research and Development Council  
19 established under section 2 of this Bill;

20 "Board" means the governing Board of the Council established by section 2  
21 of this Bill;

22 "Chairman" means the Chairman of the Board of the Council;

23 "Fund" means the fund of the Council as established under section 15 of this  
24 Bill;

25 "Local raw material" means any unprocessed or processed material  
26 indigenous to Nigeria that can be converted by manufacture, processing or  
27 combination into a new and useful product.

28 "Member" means a member of the Board which includes the Chairman;

29 "Minister" means minister responsible for Science and Technology;

30 "The President" means the President, Commander in Chief of the Armed

1 Forces of the Federal Republic of Nigeria;  
2 "Public Service" has the meaning assigned to it by the Constitution of the  
3 Federal Republic of Nigeria, 1999; (Cap C23)  
4 "Subsidiary" means a semi-autonomous corporate body, with its management  
5 committee supervised by the Council;

Short title

6 29. This Bill may be cited as the Raw Materials Research and  
7 Development Council Bill, 2017.

8 SCHEDULES

9 *Section 3(4)*

10 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

11 *Proceedings of the Board*

12 1. Subject to this Bill and to section 27 of the Interpretation Act  
13 (which provides for the decisions of a statutory body to be taken by a majority  
14 of the members of the body and for the person presiding to have a second or  
15 casting vote), the Board may make standing orders regulating the proceedings  
16 of the Board and an) committee thereof.

17 2. Every meeting of the Board shall be presided over by the Chairman  
18 or if the Chairman is unable to attend a particular meeting, the members present  
19 at the meeting shall elect one of their member to preside at that meeting.

20 3. The Board shall meet not less than four times in each year and  
21 subject thereto, the Board shall meet whenever it is summoned by  
22 Chairman; and if the Chairman is required to do so by notice given to him by  
23 not less than three other members, he shall summon a meeting of the Board to  
24 be held within fourteen days from the date on which the notice is given.

25 4. The quorum of the Board shall consist of the Chairman (or, in an  
26 appropriate case, the person presiding at the meeting pursuant to paragraph 2 of  
27 this Schedule) and six other members and the quorum of any committee of the  
28 Board shall be determined by the Board.

29 5. Where the Board desires to obtain the advice of any person on a  
30 particular matter, the Board may co-opt him as a member for such period as it

1 deems fit; but a person who is a member by virtue of this sub-paragraph shall  
2 not be entitled to vote at any meeting of the Board and shall not count  
3 towards the quorum.

4 6. Notwithstanding anything in the foregoing provisions of this  
5 paragraph, the first meeting of the Board shall be summoned by the Minister.

6 *Committee*

7 7.-(1) Subject to its standing orders, the Board may appoint one or  
8 more committees to carry out on behalf of the Board such of its functions as  
9 the Board may determine.

10 (2) Every committee appointed under the provisions of sub-  
11 paragraph (1) of this Paragraph, shall consist of such number of persons (not  
12 necessarily all members of Board) as may be determined by the Board and a  
13 person other than a member of the Board shall hold office on the committee  
14 in accordance with the terms of his appointment.

15 (3) A decision of a committee of the Board shall be of no effect until  
16 it is confirmed by the Board.

17 *Miscellaneous*

18 8. The fixing of seal of the Council shall be authenticated by the  
19 signature of the Director-General and any other staff authorized generally or  
20 specially by the Board to act for that purpose.

21 9. Any contract or instrument which, if made or executed by a  
22 person not being a body corporate, would not be required to be under seal  
23 may be made or executed on behalf of the Council by the Director-General  
24 or any person generally or specifically authorized by the Board to act for that  
25 purpose.

26 10. Members of the Board shall be paid such remuneration or  
27 allowances as may be approved from time to time by the President.

28 11. The validity of any proceedings of the Board or of a committee  
29 thereof shall not be adversely affected by:

30 (1) any vacancy in the membership of the Board;

1 (2) any defect in the appointment of a member of the Board or  
2 committee; or

3 (3) reason that a person not entitled to do so, took part in the  
4 proceedings.

5 12. Any member of the Board and any person holding office on a  
6 committee of the Board, who has a personal interest in any contract or  
7 arrangement entered into or proposed to be considered by the Board or a  
8 committee thereof shall forthwith disclose his interest to the Board or  
9 committee and shall not vote on any question relating to the contract or  
10 arrangement.

#### EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to  
explain its purport)*

This Bill seeks to (repeal and re-enact the Raw Materials Research and Development Council Act Cap. R3 LFN, 2004) and to enact the Raw Materials Research and Development Council, 2017 to develop local raw materials and co-ordinate research efforts especially in relation to raw materials acquisition, exploitation, conservation and development.