

FEDERAL INSTITUTE FOR INDUSTRIAL RESEARCH BILL, 2017

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SCHEDULE

A BILL [EXECUTIVE]

FOR

AN ACT TO ESTABLISH THE FEDERAL INSTITUTE FOR INDUSTRIAL RESEARCH, TO CONDUCT INDUSTRIAL RESEARCH FOR THE DEVELOPMENT OF MICRO, SMALL, MEDIUM AND LARGE INDUSTRIES, AIMED AT RAPID INDUSTRIALIZATION AND SOCIO-ECONOMIC DEVELOPMENT OF NIGERIA AND FOR RELATED MATTERS

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL INSTITUTE FOR INDUSTRIAL
2 RESEARCH AND THE GOVERNING BOARD

3 1.-(1) There is established a body to be known as the Federal
4 Institute of Industrial Research (hereinafter in this Act referred to as "the
5 Institute").

Establishment
of the Federal
Institute of
Industrial
Research

6 (2) The Institute:

7 (a) shall be a corporate body with perpetual succession and a
8 common seal;

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

10 (c) may for the purposes of performance of its functions under this
11 Act, acquire, hold movable or immovable property and enter into contract or
12 any other transaction for the purposes of carrying out any of its functions.

13 2. The objects of this Act shall be to:

The Object

14 (a) conduct industrial research up to pilot scale level and establish
15 Catalytic Model Factories for the development of the micro, small, medium
16 and large scale industries in Nigeria;

17 (b) assist in accelerating the industrialization of the Nigeria
18 economy through research programmes and technology development;

19 (c) identify, characterize, develop and utilize available raw

1 materials into forms suitable for utilization by Industries into forms suitable for
2 utilization by industries;

3 (d) promote the establishment and growth of intermediate product
4 industries;

5 (e) identify indigenous technologies in the areas of foods, non-foods
6 processing and develop them into modern technology;

7 (f) assists in the transfer, adaptation and utilization of technologies by
8 industries through organized technology transfer and techno-entrepreneurship
9 development programmes and other means that will ensure the end results of
10 research carried out get to the relevant end users for rapid industrialization and
11 socio-economic growth of Nigeria;

12 (g) conduct research and development into Foods and Agro-Allied
13 processing technology;

14 (h) conduct research and development into Pulp and Paper
15 technology;

16 (i) conduct research and development into product design and
17 packaging;

18 (j) conduct research and development in design and fabrication of
19 processing equipment;

20 (k) render consultancy services to evaluate the technical and
21 economic viability of technology based enterprises;

22 (l) provide technical assistance services for the growth of indigenous
23 services; and

24 (m) carry out appropriate research to ensure compliance with
25 standards and specifications designated by the Institute and approved by other
26 regulatory authorities in Nigeria for effective control of quality of foods and
27 other Industrial products.

28 3. There is established for the Institute a Governing Board
29 (hereinafter in this Act referred to as the Board"), which shall formulate
30 policy for the Institute.

- 1 4. The Governing Board of the Institute shall consist of:
- 2 (a) a Chairman, appointed by the President on the recommendation
- 3 of the Minister with requisite knowledge and experience in matters relating
- 4 to global industrial research and development;
- 5 (b) a representative of the of the Federal Ministry of Science and
- 6 Technology;
- 7 (c) a representative of the Manufacturers Association of Nigeria
- 8 (MAN);
- 9 (d) a representative of the Nigerian Association of Small Scale
- 10 Industrialists (NASSI);
- 11 (e) a representative of the Nigerian Association of Small and
- 12 Medium Enterprises (NASME);
- 13 (f) the Minister charged with the responsibility of Trade and
- 14 Investment or his representative;
- 15 (g) a representative of the Nigerian Society of Engineers (NSE);
- 16 (h) a representative of the Academy of Science;
- 17 (i) a representative of Nigerian Institute of Foods, Science and
- 18 Technology (NIFST);
- 19 (j) a representative of the Nutrition Society of Nigeria (NSN);
- 20 (k) the Minister charged with the responsibility of Agriculture and
- 21 Rural Development or his representative;
- 22 (l) a person appointed by the President on the recommendation of
- 23 the Minister to represent the civil society organizations; and
- 24 (m) the Director-General of the Institute, who shall be the Board's
- 25 Secretary.

Composition of
the Governing
Board of the
Institute

26 5.-(1) The Chairman of the board shall hold office for a period of

27 4ycars and shall be eligible for re- appointment for another period of 4 years

28 and no more.

Tenure of the
members of the
governing board
of the Institute

29 (2) A member of the Board, who is not an ex-officio member, shall

30 hold office for a period of 4years and shall be eligible for re-appointment for

	1	another period of 4 years and no more
Remuneration of members of the governing board of the Institute	2	6. The Chairman and other members of the Board shall be paid such
	3	allowances and expenses in accordance with such rates as may be approved by
	4	the Federal Government of Nigeria, from time to time.
Removal of the Chairman or any member of the Governing Board of the Institute	5	7.-(1) Where it appears that the Chairman or any member of the
	6	Board, other than an ex-officio member, should be removed from office on the
	7	grounds of misconduct or inability to perform the functions of his office, the
	8	Board shall make a recommendation through the Minister to the President for
	9	approval.
	10	(2) Where the President, after making such inquiries as he considers
	11	necessary, approves the recommendation made through the Minister by the
	12	Board, the Secretary to the Government of the Federation shall, in writing
	13	declare the position of such member vacant.
	14	(3) Notwithstanding the provision of subsection (1) of this Section,
	15	the President may remove any member of the governing board, where he is
	16	satisfied that it is in the interest of the Institute and the public to do so.
Resignation by member of the Board	17	8. A member of the Governing Board other than an ex-officio
	18	member may, at any time by a notice in writing addressed to the President
	19	through the Minister, resign from being a member of the Governing Board of
	20	the Institute.
Cessation of members of the Board from office	21	9. Notwithstanding the provisions of Section 4 of this Act, a member
	22	of the Board shall cease to hold office as a member, where:
	23	(a) he resigns his appointment as a member of the Board;
	24	(b) by notice under his hand addressed to the President of the Federal
	25	Republic of Nigeria;
	26	(c) he becomes of unsound mind;
	27	(d) he becomes bankrupt;
	28	(e) he is convicted of a felony or any other offence involving
	29	dishonesty or corruption; or
	30	(f) he becomes incapable of carrying on the functions of his office

1 either arising from an infirmity of mind or body;

2 (g) the President of the Federal Republic of Nigeria is satisfied that
3 it is not in the interest of the Institute or in the interest of the public for the
4 person to continue in office; or

5 (h) he has been found guilty under the Code of Conduct or serious
6 misconduct in relation to his duties; or

7 (i) in the case of a person who becomes a member by virtue of the
8 office he occupies cease to hold such office.

9 **10.** In the event of death or resignation by a member of the
10 Governing Board or where the office of a member of the board becomes
11 vacant under Section (3), a replacement shall be by appointment by the
12 President of the Federal Republic of Nigeria.

Filling of
vacancies

13 **PART III - POWERS AND FUNCTIONS OF THE BOARD OF**
14 **THE INSTITUTE**

15 **11.** The Governing Board shall have power to:

Powers of the
Board

16 (a) formulate policies and ratify short and long-term plan of the
17 Institute;

18 (b) ratify the annual budget and estimates of the Institute;

19 (c) approve research and academic programmes of the Institute;

20 (d) approve investment plan of the Institute.

21 (e) consider and approve the capital development plans of the
22 Institute;

23 (f) receive and consider proposals, recommendations and
24 suggestions of the Director-General or any Committee of the Governing
25 Board on matters relating to the functions of the Institute under this Act;

26 (g) constitute any committee that may be necessary to discharge
27 any of the function assigned to it under this Act;

28 (h) attract funds by way of donations and contributions to the
29 Institute and put in place mechanisms for collection and utilization of such
30 funds;

Functions of
the Institute

- 1 (i) Invest surplus funds of the Institute in profit-yielding ventures; and
2 (j) carry out or exercise any other powers that may be necessary for
3 the attainment of the objects of this Act.

4 **12. The functions of the Institute shall be to:**

5 (a) conduct, review and supervise from time to time Research and
6 Development, programs and projects in local foods and agro-allied processing;
7 pulp and paper processing; product design and packaging technologies; design
8 and fabrication of prototype processing equipment; and other raw materials
9 processing programmes of industrial nature;

10 (b) liaise with relevant establishments within and outside Nigeria in
11 pursuance of the functions of the Institute;

12 (c) establish, and operate world class laboratories and workshops as
13 centres of excellence for cutting edge research in all aspects industrial
14 research;

15 (d) establish demonstration factories, Spin-off companies and
16 industrial parks to ensure rapid commercialization of its research and
17 development output as well as providing necessary avenues for training and re-
18 training of skilled labour and manpower, including students of tertiary
19 institutions on Industrial Attachment;

20 (e) encourage and promote the commercialization of research and
21 development innovation results through patents;

22 (f) establish and operate Zonal, State and Regional Offices for
23 effective delivery and deployment of its services in Nigeria, Africa and other
24 continents of the world;

25 (g) provide technical consultancy services and industrial
26 troubleshooting to industries for revenue generation and for quality control;

27 (h) Conduct techno-economic evaluation study on its developed
28 technologies with a view to provide justifications for investments and attract
29 entrepreneurs to invest in such technologies;

30 (i) Collaborate with relevant bodies especially tertiary institutions to

1 develop curricula or modules for appropriate technology transfer and
2 techno-entrepreneurship training programmes;

3 (j) Achieve a high research and development output and revenue;

4 (k) make the desired impact on national economic and social
5 development;

6 (l) the Institute shall be a member of any relevant International
7 Scientific bodies;

8 (m) publish research results of its activities and collaborate with
9 educational institutions and other relevant Government Institutes,
10 Organizations, Agencies, Councils and Industries in research and
11 development; and

12 (n) carry out such other activities as are necessary or expedient for
13 the performance of its functions under this Act.

14 13.-(1) The Institute shall have its headquarters in Lagos, a liaison
15 office or Directorate in Abuja and Zonal offices in each of the six geo-
16 political zones of Nigeria, which include:

17 (a) North West;

18 (b) North East;

19 (c) North Central;

20 (d) South East;

21 (e) South West; and

22 (f) South-South.

23 (2) The Institute shall operate a departmental structure with
24 directorate or any other structure as may be considered necessary for the
25 performance of its functions and delivery of its services under this Act.

26 (3) The head of Research Directorate shall be designated as head of
27 Department and headed by a Director.

28 (4) The head of Research Department shall hold office for 3 years at
29 the first instance and renewable for another 3 years and no more.

30 (5) Notwithstanding the provision of subsection (3) of this section;

The structure of
the Institute

1 of interest to the Institute.

Establishment
of demonstration
factories, spin-off
companies and
industrial parks

2 23.--(1) The Institute may with the approval of the President, establish
3 Demonstration Factories, Spin-off Companies and Industrial Parks in any of
4 the six-geo-political zones of Nigeria, based on the availability of raw
5 materials and other factors of production of relative advantage in such zones.

6 (2) The Institute shall provide for:

7 (a) the location of the factories or companies or Industrial parks;

8 (b) the field in which the factories, companies and industrial parks are
9 to conduct its work and manpower training where applicable;

10 (c) the transfer to the centre by mutual agreement of any existing
11 Federal, State and Local Government facilities;

12 (d) the establishment and constitution of senior officers of the
13 Institute to manage the affairs of the factories, Companies and Industrial parks;

14 (e) the demonstration Factories, Spin-off Companies and Industrial
15 parks shall be fully equipped to carryout training and research and
16 development activities; and

17 (f) a suitable association and collaboration of the Demonstration
18 factories, Spin off companies and Industrial parks with universities, other
19 institutions of higher learning and commercial industries.

Establishment
of FIIRO Consult

20 24. The Institute may with the approval of relevant authorities
21 establish and operate FIIRO Consult, which shall be a semi-autonomous body
22 to commercialize inventions and innovations of the Institute.

23 PART VI - FINANCIAL PROVISIONS

Establishment
of fund for the
Institute

24 25.--(1) The Institute shall establish and maintain a fund which shall be
25 applied towards the promotion of the objectives specified in this Act.

26 (2) There shall be paid and credited to the fund established in
27 pursuance of subsection (1) of this section:

28 (a) such sums as may be provided by the Government of the
29 Federation or appropriated by the National Assembly for payment into the
30 Fund of the Institute;

1 (b) two per cent (2%) surcharged on all imported foods, pulp and
2 paper, packaging materials and processing machinery and equipment;

3 (c) fees charged for services rendered by the Institute; including
4 royalties on Institute's technologies ceded to the Industries for national
5 development.

6 (d) all sums accruing to the Institute by way of gifts, testamentary
7 dispositions, endowments or contributions from philanthropic persons or
8 organizations.

9 (e) contributions from the organized privates sector;

10 (f) foreign aids and assistance from bilateral and multilateral
11 Agencies; and

12 (g) proceeds from commercialization of research and development
13 products of the Institute.

14 (3) Notwithstanding the provision of Subsection (2) of this
15 Section, every application for registration into the Institute's Journal, shall
16 attract a fee, which shall be credited and maintained in a separate account of
17 the Institute, part of which shall be used for the publication of the Institute's
18 journal.

19 26. The Institute shall apply the funds established under this Act
20 to:

Expenditure of
the Institute

21 (a) sponsor research and development activities in the capital
22 project of the Institute;

23 (b) maintain the Head Office and establish zonal offices for the
24 Institute;

25 (c) pay allowances and expenses of members of the Board;

26 (d) sponsor local and international conferences, seminars,
27 workshops for members of staff of the Institute;

28 (e) provide scholarship and award for specialized training for
29 personnel;

30 (f) publicize and promote the activities of the Institute;

1 (g) support national and international scientific bodies and pay annual
 2 dues and other contributions to scientific organizations, in which Nigeria is a
 3 member; and

4 (h) undertake any other activity in connection with the object of this
 5 Act.

Annual estimates,
 accounts and
 audit

6 27.-(1) The Institute shall not later than 30th September of each year,
 7 submit to the Board for approval its estimates of income and expenditure for
 8 the next financial year.

9 (2) The Institute shall:

10 (a) keep proper records of all accounts of its income and expenditure;
 11 and

12 (b) prepare statement of account in respect of each financial year.

13 (3) The Institute shall, not later than 30th June of each financial year,
 14 submit its accounts to auditors appointed from the list of qualified auditors in
 15 accordance with guidelines laid down by the Auditor-General of the Federation
 16 and the auditors fees and expenses shall be paid from the Funds of the Institute.

Annual report

17 28.-(1) The Institute shall not later than 30th June of each financial
 18 year, submit to the Board, in respect of the preceding financial year, an annual
 19 report on the activities of the Institute in such form as the Board may direct.

20 (2) The report referred to in subsection (1) of this section shall
 21 include:

22 (a) information on the activities of the Institute for the year;

23 (b) a copy of the audited accounts of the Institute for that year together
 24 with the Auditor-General's report on the accounts of the Institute; and

25 (c) such other information as the Board may request.

26 (3) The Director-General shall provide such information on the affairs
 27 of the Institute as the Board may from time to time request.

Exemption from
 income tax

28 29. All income derived by the Institute from the sources specified in
 29 section 23 subsection (2) of this Act shall be exempted from income tax and all
 30 contributions to the fund of the Institute shall be tax deductible.

1 30. Subject to the approval of the Board, the Institute may invest in
2 profitable productions of capital goods by joint venture, partnership, share-
3 holding or as sole proprietor or as the case may be, the net income generated
4 shall be paid into the fund of the Institute.

Capital
Production
Income

5 31.-(1) The Institute may, with the consent or in accordance with
6 any general authority given by the Board, borrow by way of loan or over
7 draft, any specified amount of money required by the Institute for its
8 obligations and functions under this Act.

Borrowing and
investment power
of the Institute

9 (2) The Institute may, subject to the provisions of this Act and the
10 conditions of any trust created in respect of any property, invest any of its
11 funds with the consent or general authority of the Board.

12 (3) The Institute may invest any of its surplus funds in such
13 securities as the Board may, from time to time, approve.

14 PART VII- MISCELLANEOUS

15 32.-(1) The Institute may accept any gift of land, money or other
16 property upon such terms and conditions, if any, as may be specified by the
17 person or organization making the gift.

Power to accept
gifts

18 (2) The Institute shall not accept any gift where the conditions
19 attached by the person or organization making the gift are inconsistent with
20 the functions and objectives of the Institute.

21 (3) A gift donated to the Institute or project of the Institute shall be
22 made directly to the Institute and shall be utilized only for the purpose.

23 33.-(1) The seal of the Institute shall be such as may be
24 administered by the Board, signed by the Chairman of the Board and the
25 Director-General

The seals of the
Institute

26 (2) Certificates issued by the Institute shall have the Institute's seal
27 affixed and signed by the Chairman of the Board and the Director-General of
28 the Institute.

29 (3) Any contract or instrument which, if made or executed by a
30 person not being a body corporate, would not be required to be under seal

1 may be made or executed on behalf of the Institute by any authorized person.

Power to make
Regulations

2 34.-(1) The Board may make Regulations:

3 (a) to regulate the activities and programmes of the Institute, or any
4 matter connected with the Institute; or

5 (b) for the effective implementation of any of the provisions of this
6 Act.

Limitation of
suit against the
Institute

7 35.-(1) Subject to the provisions of this Act, the provisions of the
8 Public Officers Protection Act shall apply to any suit instituted against the
9 Institute, an officer of the Institute or employee of the Institute.

10 (2) No suit shall lie or be instituted in any court against the Institute, a
11 member of the Board or any principal officer or employee of the Institute for an
12 action carried out in pursuance to the execution of this Act or any enactment, or
13 of any public duty in respect of any alleged neglect or default in the execution
14 of this Act or duty or authority, unless it is commenced:

15 (a) within three months of such act, neglect or default complained
16 thereof; or

17 (b) in the case of a continuation of damages or injury, within six
18 months after the ceasing of the act, neglect or default.

19 (3) No suit shall be commenced against the Institute, a member of the
20 Board or any principal officer or employee of the Institute before the expiration
21 of a period of one month after written notice of the intention to commence the
22 suit has been served on the Institute by the intending plaintiff or his agent.

23 (4) The notice referred to in subsection (3) of this Section shall clearly
24 state the cause of action, particulars of the claim, the name and place of abode
25 of the intending plaintiff and the relief sought.

Service of
notice

26 36.-(1) Any notices or other document required or authorized to be
27 served on or given to any person for the purposes of this Act, may be served or
28 given by delivering it to that person, or by leaving it at his usual or last known
29 place of residence or business or at the address specified by him in any notice,
30 application or other document made, given or tendered to the Institute under

1 this Act, or by posting it by registered mail to him at that place of residence or
2 business or at that address.

3 (2) Where any of such notice or other document sent by registered
4 mail, unless the contrary is proved, it shall be deemed to have been delivered
5 to him when it would have been delivered in the ordinary course of posting a
6 mail unless the contrary is established and in proving the delivery, it shall be
7 sufficient to prove that there is return post office slip showing actual
8 delivery.

9 (3) Where for any purpose under this Act, a notice or document is
10 required to be served on a firm or company, the notice or document may be
11 served on the Secretary, Executive Officer, or other officer holding a similar
12 position in the organisation and the service unless otherwise directed by the
13 Institute, be deemed to be served on all persons who are members of the
14 organization.

15 (4) Any Service of Notice or process on the Institute shall be by
16 proven registered post or by personal service on any Principal Officer of the
17 Institute.

18 37. The Minister of the Institute may give to the Institute,
19 directives of a general character relating to the policies and functions of the
20 Institute and shall comply with such directives.

Power to give
directives by the
Minister

21 38.-(1) The Institute shall be exempted from the payment of
22 income tax in any income accruing from investment made by the Institute.

Exemption from
Tax accruing from
investment

23 (2) The provision of any enactment relating to the taxation of
24 companies or trust funds shall not apply to the Institute.

25 39. The Institute shall impose conditions and set targets for the
26 formation of joint ventures or partnerships between multinational services,
27 Research Institute, Institution or service companies in all sector of the
28 economy and certified indigenous services companies for the purpose of
29 technological training and acquisition.

Joint venture
targets for
technology
acquisition

Research targets
and development
of research
products

1 **40.** The Institute shall make regulations with requirement and targets
2 for the growth of Research and Development in the areas of Foods, Non-Food
3 and Agro-Allied Raw Materials but not limited thereof as may be reviewed by
4 the Institute; in particular Nigerian industry.

Interpretation

5 **41.** In this Act, unless the context otherwise requires:
6 "Board" means the Governing body of the Institute;
7 "Capital Goods" means machinery, equipment and spare parts;
8 "Chairman" means the Chairman of the Governing Board of the Institute;
9 "Fund" means the fund of the Institute as established under Section 25 of this
10 Act;
11 "Institute" means Federal Institute of Industrial Research Oshodi (FIIRO);
12 "Minister" means Minister responsible for Science and Technology;
13 "Member" means a member of the Board and this includes the Chairman;
14 "President" means President of the Federal Republic of Nigeria;
15 "Principal Officer" means the Directors and other officers as specified in
16 Section 16 of this Act;
17 "Public Service" has the meaning assigned to it in the Constitution of the
18 Federal Republic of Nigeria, 1999;
19 "Secretary" means the Secretary to the Board of the;

Short title

20 **42.** This Bill may be cited as the Federal Institute for Industrial
21 Research Bill, 2017.

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

25 1. Subject to this Act and Section 42 of the Interpretation Act, the
26 Board may make standing orders regulating its proceedings or those of any of
27 its committees.

28 2. The quorum of the Board shall be the Chairman or person presiding
29 the meeting and five other members of the Board and the quorum of any
30 committee of the Board shall be as determined by the Board.

1 signature of the Director-General/Chief Executive Officer or any person
2 generally or specifically authorized by the Board to act for that purpose.

3 12. Any contract or instrument which, if made or executed by a
4 person not being a body corporate, would not be required to be under seal, may
5 be made or executed on behalf of the Board by the Director-General/CEO or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 13. Any document purporting to be a document duly executed under
9 the seal of the Board shall be received in evidence and shall, unless and until the
10 contrary is proved, be presumed to be so executed.

11 14. The validity of any proceeding of the Board or a committee shall
12 not be affected by:

13 (a) a vacancy in the membership of the Board or committee;

14 (b) a defect in the appointment of a member of the board or
15 committee; or

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

EXPLANATORY MEMORANDUM

This Bill seeks among other things to put in place a Legal framework for the continuous growth of Federal Institute of Industrial Research.