

NATIONAL AGENCY FOR TECHNOLOGY MANAGEMENT BILL, 2018

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL AGENCY FOR TECHNOLOGY MANAGEMENT AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

BE IT ENACTED By the National Assembly of the Federal Republic of Nigeria as follows:

PART I - ESTABLISHMENT OF THE AGENCY

1
2 1.-(1) There is hereby established a body to be known as the
3 National Agency for Technology Management, (hereinafter in this Act
4 referred to as "the Agency").

Establishment
of the National
Centre for Technology
Management

5 (2) The Agency shall be an Agency of the Federal Ministry of
6 Science and Technology (FMST), a body corporate with perpetual
7 succession and a common seal and may sue or be sued in its corporate name.

PART II - COMPOSITION OF THE GOVERNING BOARD OF THE AGENCY

8 2.-(1) There is established for the Agency, a Governing Board (in
9 this Act, referred to as "the Board") which shall have overall control of the
10 Agency.

Establishment
and Membership
of the Governing
Board of the
Agency

11 (2) Without prejudice to the generality of sub-section (1) of this
12 section, it shall be the responsibility of the Board to exercise general control
13 and superintendence of the policy, public relations, finances and properties
14 of the Agency.

15 (3) The Board shall consist of:

16 (a) The Chairman and two persons appointed by the President on
17 their personal merit and recommendation of the Honourable Minister of
18 Science and Technology;

19 (b) A representative each of:

20 (i) The Federal Ministry of Science and Technology;

21

- 1 (ii) The National Planning Commission;
- 2 (iii) The Academy of Engineering;
- 3 (iv) The Nigeria Institute of Management;
- 4 (c) The Director, African Institute for Science Policy and Innovation;
- 5 (d) The Director-General/Chief Executive Officer; and
- 6 (e) The Secretary to the Board, who shall be appointed by the Board.
- Schedule 7 (4) The supplementary provisions set out in the Schedule to this Act
- 8 shall have effect with respect to the proceedings of the Board and the other
- 9 matters herein mentioned.
- Tenure of office 10 3.-(1) The Chairman and members of the Board, other than ex-officio
- 11 members shall each hold office:
- 12 (a) for a term of four (4) years in the first instance and may be re-
- 13 appointed for a further term of four (4) years and no more; and
- 14 (b) on such terms and conditions as may be specified in their
- 15 respective letters of appointment.
- Cessation of 16 4.-(1) Notwithstanding the provisions of Section 3 of this Act, a
- Membership 17 member may at any time be removed from office by the President for inability
- 18 to discharge the functions of his office (whether arising from infirmity of mind
- 19 or body or any other cause) or for misconduct.
- 20 (2) A member of the Board may resign his appointment by a notice in
- 21 writing under his hand, addressed to the President through the Minister and that
- 22 member shall, on the date of the receipt of the notice by the Minister, cease to be
- 23 a member of the Board.
- 24 (3) When a vacancy occurs in the membership of the Board, it shall be
- 25 filled by the appointment of a successor to hold office for the remainder of the
- 26 term of office of his predecessor provided that the successor shall represent the
- 27 same interest as his predecessor.
- Emoluments, etc. 28 (4) The Chairman and members of the Board shall serve on part-time
- 29 basis. Their remunerations, allowances and other benefits are to be enjoyed as
- 30 the Federal Government may direct from time to time. In the absence of clear

1 guidance on any policy matter, benefits enjoyed by other parastatals under
2 the same Ministry, shall apply.

3 5.-(1) A member of the Board who is directly or indirectly
4 interested in any matter being deliberated on by the Board or is interested in
5 any contract made or proposed to be made by the Agency shall, as soon as
6 possible after the relevant facts have come to his knowledge, disclosed the
7 nature of his interest at a meeting of the Board.

Disclosure of
Interest

8 (2) A disclosure under subsection (1) of this section shall be
9 recorded in the Minutes of Meetings of the Board and members concerned
10 shall:

11 (a) after the disclosure, not take part in any deliberation or decision
12 of the Board where such a matter of his interest is a subject of deliberation;
13 and

14 (b) be excluded for the purpose of constituting a quorum of any
15 meeting of the Board for any deliberation or decision with regard to the
16 subject matter in respect of which his interest is so disclosed

17 6. The Board shall have power to:

Powers of the
Board

18 (a) Formulate overall policy for the management of the affairs of
19 the Agency;

20 (b) Manage the National Agency for Technology Management
21 Fund established under Section 17 of this Act;

22 (c) Appoint, promote, terminate, dismiss and exercise disciplinary
23 control over the Principal Officers and Senior staff of the Agency;

24 (d) Structure the Agency into such number of departments as it
25 deems fit for the effective discharge of its functions; and

26 (e) Exercise such powers as are necessary or expedient for giving
27 effect to the provisions of this Act.

28 PART III - FUNCTIONS AND POWERS OF THE AGENCY

29 7. The Agency shall:

Functions of the
Agency

30 (a) Serve as a Training Agency for the development of middle- to

1 high-level manpower in Science, Technology and Innovation (STI)
2 Management for a" tiers of government and the private sector;

3 (b) Conduct policy research, evaluation and review, with a view to
4 making policy recommendations for dynamic technology-based development;

5 (c) Establish, maintain and provide access to databanks of STI
6 research outputs and facilitate activities towards their commercial
7 exploitation;

8 (d) Design and run Postgraduate Courses/Programmes in STI
9 Management in conjunction with established institutions home or/and abroad;

10 (e) Assist the various tiers of government (Federal, State and Local) in
11 the country in STI policy formulation and strategies for utilizing such policies
12 for development;

13 (f) Collaborate with UN, AU, EU, ECOWAS, Developmental
14 Agencies and Institutions as well as countries across the world at unilateral,
15 bilateral and multilateral levels on projects bothering on STI training, policy
16 research and consultancy; and

17 (g) Perform such other duties, which in the opinion of the Agency, are
18 necessary or expedient to ensure the efficient performance of the functions of
19 the Agency under this Act.

Powers of the
Agency

20 **8.-(1)** In pursuance of Section 7 of this Act, the Agency shall have
21 power to:

22 (a) Award postgraduate certificates, postgraduate diplomas and
23 certificate of attendance after full participation at lectures and courses
24 conducted under this Act;

25 (b) Establish and maintain a Documentation and Information Unit
26 comprising such books, journals, records, films, reports and other publication
27 and information systems as may be required for the discharge of the functions
28 conferred on the Agency by this Enabling Law;

29 (c) Enter joint venture arrangements and draw up memoranda of
30 understanding and agreement with relevant institutions and organisations with

1 a view to managing Nigeria's STI for sustainable development; and

2 (d) Do such other things as are necessary for the successful
3 performance of its function under this Act.

4 PART IV - STAFF OF THE AGENCY

5 9.-(1) There shall be for the Agency a Director-General/Chief
6 Executive Officer, who shall:

Appointment of
Director-General
/Chief Executive
Officer

7 (a) possess a Doctorate Degree in one of the Sciences or
8 Engineering fields with a wide experience in STI Management;

9 (b) be appointed by the President on the recommendation of the
10 Board;

11 (c) be the Chief Executive and Accounting Officer of the Agency;

12 (d) be responsible for the execution of policy and day to day
13 administration of the affairs of the Agency; and

14 (e) perform such other duties as the Board may, from time to time,
15 assign to him.

16 (2) The Director-General/Chief Executive Officer shall hold office
17 for a term of four (4) years in the first instance; may be re-appointed for a
18 further term of four (4) years and no more, on such terms and conditions as
19 may be specified in his letter of appointment.

Tenure of Office

20 (3) The Terms and Conditions of Service including remuneration,
21 allowances, benefits and pensions of the staff and employees of the Agency
22 shall be determined by the Board in such a manner as to attract and retain
23 high quality and caliber manpower.

24 (4) The Board shall consider and in consultation with the National
25 Income and Wages Commission determine and review from time to time the
26 remunerations and allowances payable to the Agency's staff.

27 10.-(1) There shall be appointed by the Board, such other Directors
28 as may be required for proper performance of the functions of the Agency:

Appointment of
other staff of the
Agency

29 (a) The Director-General/Chief Executive Officer shall be the
30 Chairman;

- 1 (b) Director of Technology Management Education and Training;
 2 (c) Director of Planning Programming and Linkages;
 3 (d) Director of Science Policy and Innovation Studies;
 4 (e) Director of Human Resources Management;
 5 (f) Director of Finance and Accounts.

6 (2) The Director-General/Chief Executive Officer shall coordinate all
 7 Directors and members of staff. As such, all of them shall be answerable to
 8 him/her. He shall supervise them to ensure quality control in all ramifications

9 (3) The Management may, subject to the approval of the Board,
 10 appoint such other staff as it may deem necessary and expedient, from time to
 11 time, for the proper and efficient performance of the functions of the Agency.

Staff Regulations

12 11.-(1) Subject to the provisions of this Act, the Agency shall make
 13 staff regulations relating to the Conditions of Service.

14 (2) Until such regulations are made, any instrument relating to the
 15 Conditions of Service of Public Officers in the University System/Federal
 16 Research Institutions and Other Public Service of the Federation shall be
 17 applicable, with such modifications as may be necessary, to the staff of the
 18 Agency.

19 (3) The Staff Regulations made under Sub-section (1) of this Section
 20 shall not have effect until approved by the Board, and when so approved, the
 21 Agency shall cause a notice of the Staff Regulations to be issued to all affected
 22 staff.

Application of
 the Pension Act
 2004, No. 2

23 12.-(1) Service in the Agency shall be approved service for the
 24 purposes of the Pensions Act and accordingly, officers and employees of the
 25 Agency shall be entitled to pensions, gratuities and other retirement benefits as
 26 are prescribed under the Pension Act.

27 (2) Without prejudice to the provisions of sub-section (1) of this
 28 Section, nothing in this Act shall prevent the appointment of some category of
 29 officers, who shall not benefit any pension from the Agency. Such persons can
 30 be on Contract, Sabbatical, Secondment, Ad-hoc, or any appointment not of

1 continuous nature.

2 (3) For the purposes of the application of the provisions of the
3 Pension Act, any power exercisable by a Minister or other authority of the
4 Government of the Federation, other than the power to make regulations
5 under Section 23 thereof, is hereby vested in and shall be exercisable by the
6 Board and not by any other person or authority.

7 13. Notwithstanding the provisions of Sections 6(c) and 12 of this
8 Act, the Director- General/Chief Executive Officer of the Agency may be
9 removed by the President on the recommendation of the Minister.

Removal from
office of the
Director-General
/Chief Executive
Officer

10 PART V - STRUCTURE OF THE AGENCY

11 14.-(1) The Agency, shall have its Head Office in Abuja with the
12 following Zonal Offices which shall be deemed to be an integral part of the
13 Agency:

Composition of
the Agency

- 14 (a) Centre for Technology Management, South-West Zonal Office;
15 (b) Centre for Technology Management, South-East Zonal Office;
16 (c) Centre for Technology Management, South-South Zonal
17 Office;
18 (d) Centre for Technology Management, North-West Zonal Office;
19 (e) Centre for Technology Management, North-East Zonal Office;
20 (f) Centre for Technology Management, North-Central Zonal
21 Office; and
22 (g) Such other Centre or Centres as may be established from time to
23 time.

24 (2) There shall be a Director appointed for each Zonal Office. Such
25 Directors are not Management Staff, but when the need arises, they can be
26 invited to attend the Agency's Management meeting as ex-officio members
27 in attendance.

28 (3) The Zonal Offices specified in Sub-section (1) of this Section,
29 shall be known and referred to as Activity Centres of the National Agency
30 for Technology Management.

Establishment
of Academic
Board for the
Agency

1 (4) The Directors of the Zone Offices shall take directives from and be
2 responsible to the Director-General/Chief Executive Officer for effective
3 management and coordination of the activities of the Offices.

4 PART VI - ACADEMIC BOARD

5 15.-(1) There is hereby established as an integral part of the Agency,
6 an Academic Board, which shall consist of:

7 (a) Director-General/Chief Executive Officer;

8 (b) Director of Technology Management Education and Training;

9 (c) Director of Science Policy and Development Studies;

10 (d) Representative of Chief Executive of collaborating Institution(s)
11 not below the rank of a Director;

12 (e) Three persons shall be appointed by the Director-General/Chief
13 Executive Officer, who by reason of their ability, experience, specialized
14 knowledge of professional attainment are capable of making useful
15 contributions to the work of the Agency.

16 (2) The tenure of office for persons in paragraph (e) of Sub-section (1)
17 of this Section shall be a period of two years and eligible for re- appointment for
18 one further period of two years.

19 (3) The Academic Board shall:

20 (a) formulate and continuously evaluate the academic and research
21 programmes of the Agency; and

22 (b) perform such other functions as the Board, from time to time,
23 direct it.

24 (4) The Director-General/Chief Executive Officer shall be the
25 Chairman at the meetings of the Academic Board; in his absence, the most
26 senior Director from among NACETEM staff shall preside at such meetings;
27 but in the absence of both, the members present at a meeting shall appoint one
28 of their numbers to preside at the meeting.

29 (5) Subject to Sub-section (4) of this Section, the Academic Board
30 shall have power to regulate its own procedure.

1 returns for the Agency. This must, however, be sanctioned by the Board; and
2 (g) Undertake any other activity in connection with all or any of the functions
3 of the Agency.

Annual Estimate
Accounts and
Audit

4 **18.**-(1) The Agency shall, not later than 30th September in each year,
5 submit to the National Assembly, through the Honourable Minister of the
6 Federal Ministry of Science and Technology an estimate of its expenditure and
7 income for the next succeeding year. The approved estimates shall constitute
8 the Agency's Budget for the incoming year.

9 (2) The Agency shall keep proper accounts in respect of each year and
10 proper records in relation to those accounts and shall cause its accounts to be
11 audited within six months after the end of each year by auditors appointed from
12 the List of Auditors and in accordance with the guidelines supplied by the
13 Auditor-General of the Federation.

Annual Reports

14 **19.** The Agency shall, not later than 31st December in each year,
15 prepare and submit to the Honourable Minister of Science and Technology a
16 report in such form as prescribed in the Act on the activities of the Agency
17 during the immediately preceding year, and shall include in the report a copy of
18 the audited accounts of the Agency for the year concerned.

Power to accept
gift

19 **20.**-(1) The Agency may accept gifts of land, money or other property
20 upon such terms and conditions, if any, as may be specified by the person or
21 organization making the gift:

22 (2) The Agency shall not accept any gift if the conditions attached by
23 the person or organization offering the gift are inconsistent with the functions
24 of the Agency and the provisions of Independent Corrupt Practices and Allied
25 Offences Commission Act, 2000.

Power to borrow

26 **21.**-(1) The Agency may, from time to time, borrow by overdraft or
27 otherwise such sums as it may require for the performance of its functions
28 under this Act.

29 (2) The Agency shall not, without the approval of the Minister,
30 borrow money which exceeds, at any time, the limit set by the Minister.

1 (3) Notwithstanding Sub-section (1) of this Section, where the sum
2 to be borrowed is in foreign currency, the Agency shall not borrow the sum
3 without the prior approval of the Minister and in consultation with Central
4 Bank of Nigeria.

5 22. The Agency may, subject to the provisions of this Act and the
6 conditions of any trust created in respect of any property, invest all or any of
7 its funds in any security prescribed by the Trustee Investments Act or in such
8 other securities as may, from time to time be approved by the Minister.

Trustee Investment
Act Cap. 449,
LFN 1990

9 PART VIII - LEGAL PROCEEDINGS

10 23.-(1) Notwithstanding anything contained in any other law or
11 enactment, no suit shall be commenced in any court of law against the
12 Agency, any member of the Board, the Director-General/Chief Executive
13 Officer or any other officer or employee of the Agency, for any act done in
14 pursuance or execution of this Act, unless it is commenced:

Limitation of
suits against the
Agency, etc.
Cap. 379 LFN

15 (a) Within three months next after the act, neglect or default
16 complained of: or

17 (b) In the case of a continuation of damage or injury, within six
18 months after the ceasing thereof.

19 (2) The suit shall not be commenced until the expiration of a period
20 of one month after written notice of intention to commence the suit shall
21 have been served upon the Agency by the intending Plaintiff or his Agent.
22 The notice shall clearly and explicitly state:

23 (a) The cause of action;

24 (b) The particulars of the claim;

25 (c) The name and place of the intending plaintiff; and

26 (d) The relief which he claims.

27 24. The notice referred to in Sub-section (2) of this Section 24 and
28 any summons, notice or other document required or authorized to be served
29 on the Agency under the provisions of this Act or any other law or enactment
30 may be served by:

Service of
Documents

1 (a) Delivering same to the Director-General/ Chief Executive Officer
2 at the Head Office of the Agency;

3 (b) Sending it by registered post addressed to the Director-
4 General/Chief Executive Officer at the Head Office.

Restriction on
execution against
property of the
Agency

5 **25.** In any action or suit against the Agency, no execution or
6 attachment or process in the nature thereof shall be issued against the Agency,
7 but any sums of money which may, by the judgment of the court be awarded
8 against the Agency shall, subject to any directives given by the Agency, where
9 no notice of appeal against the judgment has been given, be paid from the fund
10 of the Agency.

Indemnity of
Officers

11 **26.** A member of the Board, the Director-General/Chief Executive
12 Officer or any officer or employee of the Agency shall be indemnified out of the
13 assets of the Agency against any liability incurred by him in defending any
14 proceeding, whether civil or criminal, if the proceeding is brought against him
15 in his capacity as a member, Director- General/Chief Executive Officer or
16 other employee of the Agency.

Secrecy

17 **27.-(1)** A member of the Board or the Director-General/Chief
18 Executive Officer or any officer or employee of the Agency shall:

19 (a) Not, for his personal gain, make use of any information, which has
20 come to his knowledge in the exercise or is obtained by him in the ordinary
21 course of his duty as a member of the Board or as the Director-General/Chief
22 Executive Officer, officer or employee of the Agency;

23 (b) Treat as confidential any information which has come to his
24 knowledge in the exercise of his power or is obtained by him in the
25 performance of his duties under this Act;

26 (c) Not disclose any information referred to under paragraph (b) of
27 this Sub-section, except when required to do so by a court or in such other
28 circumstances as may be prescribed by the Board, from time to time.

29 **(2)** Any person who contravenes the provision of Sub-section (1) of
30 this Section commits an offence and is liable on conviction to a fine of not less

1 and other movable and immovable property which before the commencement
2 of this Act were vested in the then REPTTEM.

3 (3) As from the date of the commencement of this Act, all rights,
4 interest, obligation and liabilities of the then REPTTEM existing before the
5 commencement of this Act under any contract or instrument or in law or equity,
6 shall be transferred to and vested in the Agency.

Interpretation

7 **32.** In this Act, unless the context otherwise requires:

8 "Agency" means the National Agency for Technology Management
9 established under Section 1 of this Act;

10 "Board" means Governing Board of the Agency established by Section 2 of this
11 Act;

12 "Chairman" means the Chairman of the Board;

13 "The Director-General/Chief Executive Officer" means the Director
14 General/Chief Executive Officer, of the Agency appointed under Section 9 of
15 this Act;

16 "Government" means the Federal Government of Nigeria;

17 "LFN" means Laws of the Federation of Nigeria;

18 "Member" means a member of the Board and includes the Chairman;

19 "Minister" means the Minister charged with the responsibility of matters
20 relating to Science and Technology;

21 "President" means the President of the Federal Republic of Nigeria.

Short Title

22 **33.** This Bill may be cited as the National Agency for Technology
23 Management Bill, 2018.

SCHEDULE

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceedings of the Board

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1. Subject to this Act and Section 27 of the Interpretation Act, Cap 192 LFN, 1990 (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote) the Board may make standing orders regulating the proceedings or that of its Committees thereof.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at that meeting shall appoint one of their numbers to preside at the meeting.

3. The quorum at a meeting of the Board shall be not less than one-third of the total number of the Board members at the date of the meeting.

4. The Board shall for the purposes of this Act, meet not less than three times in each year, and subject thereto, the Board shall meet whenever it is summoned by the Chairman; and if required to do so by notice given to him by not less than 1/3 of members, he shall summon a meeting of the Board to be held within fourteen (14) days from the date in which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this paragraph, shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

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

7. The validity of any proceeding of the Board or any of its committees thereof shall not be affected by:

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

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

3 (c) reason that any person not entitled to do so took part in the
4 proceedings of the Board or Committee.

5 8. No member of the Board shall be personally liable for any act or
6 omission done or made in good faith while engaged in the business of the
7 Board.

8 *Committees*

9 1.-(1) Subject to its standing orders, the Board may appoint such
10 number of standing or ad hoc committees as it thinks fit to consider and report
11 on any matter with which the Board is concerned.

12 (2) A Committee appointed under this paragraph shall:

13 (a) Consists of such number of persons (not necessarily members of
14 the Board as may be determined by the Board) and a person, other than a
15 member of the Board, shall hold office on the committee in accordance with the
16 terms of his appointment; and

17 (a) be presided over by a member of the Board.

18 (3) The quorum of any committee set up by the Board shall be its
19 quorum as provided under sub-section 3 of this Schedule.

20 (4) A decision of any committee of the Board shall constitute a
21 recommendation to the Board.

EXPLANATORY MEMORANDUM

This Bill establishes the National Agency for Technology Management to play a leading role in the build-up of expertise for effective Management of Science, Technology and Innovation and to actively engage in Policy Research, Design, Evaluation and Review in Nigeria.