

A BILL

FOR

AN ACT TO ESTABLISH THE PROJECTS DEVELOPMENT AGENCY (PRODA), ENUGU TO CONDUCT SCIENTIFIC, ENGINEERING AND TECHNOLOGICAL RESEARCH AIMED AT FACILITATING THE DOMESTICATION AND INDUSTRIALIZATION OF APPROPRIATE TECHNOLOGY FOR SOCIO-ECONOMIC ADVANCEMENT OF NIGERIA AND FOR RELATED MATTERS, 2018

Sponsored by Hon. Uzoma Nkem Abonta

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE PROJECTS DEVELOPMENT AGENCY

2 (PRODA), ENUGU

3 1.-(1) There is hereby established a body known as the Projects
4 Development Agency (PRODA), Enugu (in this Bill referred to as "the
5 Agency"). Establishment of the Projects Development Agency (PRODA), Enugu

6 (2) The Agency:

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

14 2. There is hereby established for the Agency a Governing Board
15 (in this Act referred to as "the Board") which shall formulate and supervise
16 the functions of the Agency. Establishment of the Board of the Agency

Membership
of the Board

- 1 **3.-(1)** The Board shall consist of:
- 2 (a) The Chairman as appointed by the President of the Federal
- 3 Republic of Nigeria who shall be a person of proven knowledge and experience
- 4 in matters relating to global industrial research and development;
- 5 (b) The representative of Ministry of Science and Technology;
- 6 (c) The representative of the Manufacturers Association of Nigeria
- 7 (MAN);
- 8 (d) The representative of the Nigerian Association of Small Scale
- 9 Industrialists (NASSI);
- 10 (e) The representative of the Nigerian Society of Engineers (NSE);
- 11 (f) The representative of Nigerian Academy of Science;
- 12 (g) The Director General shall serve as a member/secretary of the
- 13 Board.
- 14 (2) The Director-General shall be the Chief Executive Officer of the
- 15 Agency.
- 16 (3) The Chairman and members of the Board, other than the Director-
- 17 General/Chief Executive Officer of the Agency shall serve on part-time basis.
- 18 (4) The supplementary provision set out in the third Schedule in this
- 19 Act shall have effect with respect to the proceedings of the Board and other
- 20 matters contained therein.

Tenure of Office
of members of
the Board

- 21 **4.-(1)** A member of the Board other than the Director General/Chief
- 22 Executive Officer shall hold office subject to any other provisions of this Act,
- 23 on such terms and conditions specified in his letter of appointment or as may be
- 24 determined from time to time by the President of the Federal Republic of
- 25 Nigeria.
- 26 (2) No member of the Board shall be entitled to appoint a proxy at any
- 27 meeting.
- 28 (3) The office of a member absent from meeting for a continuous
- 29 period of twelve (12) months shall be declared vacant at the end of that period.

1	PART II - POWERS AND FUNCTIONS OF THE BOARD	
2	5. The Board shall have powers to:	Powers of the Board
3	(a) Provide the general policy guidelines relating to the functions	
4	of the Agency in accordance with Government regulations;	
5	(b) Review and streamline the plan of the Agency in all the areas of	
6	its functions/mandates in accordance with Government regulation;	
7	(c) Supervise, monitor and ensure the implementation of policies	
8	and programmes of the Agency;	
9	(d) Do such other things which in its opinion are necessary to	
10	ensure the efficient performance of the function of the Agency under this	
11	Act.	
12	6. The functions of the Board shall be to formulate policies and	Functions of the Board
13	guidelines for effective and efficient delivery of functions/mandates of the	
14	Agency as well as to advise the Federal Government with respect to matters	
15	of Capacity Building, Research and Development and Technological	
16	Advancement.	
17	7. A member of the Board may; at any time by a notice in writing	Resignation from Office
18	addressed to the President of the Federal Republic of Nigeria, resign from	
19	office.	
20	8. In the event of death or resignation of a member or where the	Filling of vacancies
21	office of a member becomes vacant under Section (3), a replacement shall be	
22	by appointment by the President of the Federal Republic of Nigeria through	
23	the Minister of Science and Technology.	
24	9.-(1) The allowances payable to members of the Board shall be in	Remuneration of Members of the Board
25	accordance with such rates as may be approved by the Federal Government,	
26	from time to time.	
27	(2) The Director-General/Chief Executive Officer shall be paid	
28	such emolument as may be specified in his/her letter of appointment.	
29	10. Notwithstanding the provisions of Section 3 of this Act, a	Cessation of office of Members of the Board
30	member of the Board shall cease to hold office as a member of the Board if:	

- 1 (a) He resigns his appointment as a member of the Board;
- 2 (b) He becomes of unsound mind;
- 3 (c) He becomes incapable of carrying out the functions of his office
- 4 either arising from an infirmity of mind or body;
- 5 (d) The President of the Federal Republic of Nigeria is satisfied that it
- 6 is not in the interest of the Agency or in the interest of the public for the person
- 7 to continue in office and the President shall remove him from office;
- 8 (e) He is convicted of felony by a court of law or Code of Conduct
- 9 Tribunal;
- 10 (f) In the case of a person who becomes a member by virtue of the
- 11 office he occupied, he ceases to be a member on the expiration of his term
- 12 (office); or
- 13 (g) In the case of death of a member.

14 PART III - MANDATES, FUNCTIONS AND STRUCTURE OF THE AGENCY

Mandates of
the Agency

- 15 **11.**-(1) The Agency shall have the following overall mandates;
- 16 Carry out research in Engineering Machinery and equipment, industrial
- 17 materials and processes to pilot plant stages, including engineering design,
- 18 development and fabrication, and shall in particular conduct research into:
- 19 (a) Materials science and technology, including metallurgy, foundry
- 20 work, plastics and synthetic fibres;
- 21 (b) Processing of ceramic materials and other solid based minerals for
- 22 industrial use, including development of ceramics, glass and mineral
- 23 technologies;
- 24 (c) Processing of agro produce into various bye-products through
- 25 development of appropriate technology and machinery requirements
- 26 (d) Mechanical engineering including engineering design,
- 27 fabrication, machining and other processes;
- 28 (e) Coal conversion and utilization;
- 29 (f) Chemical plant development;
- 30 (g) Electrical and electronic elements particularly electrical

- 1 generators, motors, transformers, switchgear, batteries, etc;
- 2 (h) Economic evaluation of research results to establish their
3 viability in micro, small, medium and large enterprises development;
- 4 (i) Carry out training in specialized technical areas and award
5 proficiency Certificates;
- 6 (j) Training Centre: Establish a specially advanced technology
7 centre with a post-graduate degree awarding curriculum in Science and
8 Technology in collaboration with an accredited University;
- 9 (k) Technical, analytical and consultancy services for existing and
10 planned industries; and
- 11 (l) Any other related matters as may be determined from time to
12 time by the Minister or President.
- 13 (2) The Agency shall have the following functions, to:
- 14 (a) Review and supervise from time to time Research and
15 Development Projects in Engineering aimed at facilitating the Nation's
16 drive towards technological development. Furthermore, design and
17 fabrication of processing machinery and equipment needed by micro, small
18 and medium enterprises (MSMEs) to process local raw materials in
19 producing consumer goods which will lead to self-reliance;
- 20 (b) Liaise with relevant establishment within and outside Nigeria
21 in pursuance of the functions of the Agency;
- 22 (c) Establish and operate world class Science, Engineering
23 laboratories, workshops and library as centres of excellence for precision
24 research;
- 25 (d) Establish Demonstration factories, Spin-off companies and
26 Industrial parks to ensure rapid commercialization of its R & D output as
27 well as providing necessary avenues for training and retraining of skilled
28 labour and manpower (including students of tertiary institutions on
29 Industrial attachment) or the industry in Nigeria;

Functions of the
Agency

- 1 (e) Establish skill acquisition platforms through the outreach centres;
- 2 (f) Encourage and promote the commercialization of Research and
3 Development (R & D) Innovation results;
- 4 (g) Establish and operate liaison office and outreach centres for
5 effective delivery and deployment of its services in Nigeria;
- 6 (h) Provide technical, analytical consultancy services to local
7 manufacturing sector for revenue generation and for quality control;
- 8 (i) Liaise with industries and Tertiary Institution to develop products,
9 curricula or modules for appropriate technology transfer programmes for
10 effective commercialization.
- 11 (j) Achieve a high research and development output and revenue, and
12 make the desired impact on national socio-economic development;
- 13 (k) The Agency shall:
- 14 (i) Be a corporate member of National and International
15 Engineering/Scientific bodies and affiliations;
- 16 (ii) Publicize the results of its research activities;
- 17 (iii) Develop facilities and capabilities for the following activities,
18 that is:
- 19 (a) Research and Development;
- 20 (b) Collaboration with educational institutions and other relevant
21 government Institutes, organisations, agencies, councils and commercial
22 industries in research, development and capacity building.
- 23 (iv) Such other services as the Agency may, from time to time, deem
24 necessary for the purposes mentioned above;
- 25 (l) Invest surplus funds of the Agency in profit-yielding ventures in
26 accordance with extant regulations;
- 27 (m) Carry out such other activities as are necessary or expedient for
28 the performance of its functions under this Act.
- 29 **12. The Agency:**
- 30 (a) Shall operate a Head Office in Enugu, Enugu State; Liaison Office

1 at Abuja and outreach centres in the six geopolitical zones of the Federation
2 including the Federal Capital Territory (FCT);

3 (b) The Agency is structured into eight departments and service
4 units namely:

5 *Departments:*

6 (i) Engineering Research, Development and Production (ERDP)
7 Department;

8 (ii) Electrical Power and Electronic Development (EPED)
9 Department;

10 (iii) Applied Sciences and Energy Technology Development
11 (ASET) Department;

12 (iv) Ceramic Production (CPD) Department;

13 (v) Industrial Promotion, Information and Documentation (IPID)
14 Department;

15 (vi) Administration and Human Resources (AHR) Department;

16 (vii) Finance and Supply Department;

17 (viii) Metallurgy and Materials Development (MMD)
18 Department.

19 *Service units:*

20 (i) Internal Audit;

21 (ii) Legal unit;

22 (iii) Works unit;

23 (iv) Servicom;

24 (v) Information and Communication Technology (ICT) unit;

25 (vi) Procurement unit;

26 (vii) Anti Corruption Transparency unit (ATU);

27 (viii) Intellectual Property and Technology Transfer unit (IPTTU);

28 (ix) Private Public Partnership unit;

29 (x) Any other unit as approved by the Federal Government.

30 (c) Head of a Research Directorate shall be designated as Head of

1 Department who shall be of the Rank of Director. The Head of Research
2 Department shall hold office for a term of four (4) years in the first instance,
3 renewable for another four (4) years up to a maximum of two (2) terms.
4 Thereafter he/she becomes a Research Director. In the absence of a Director,
5 the most senior research officer not below the rank of Chief Research Officer
6 shall be appointed in acting capacity;

7 (d) A Department shall consist of maximum of five (5) Divisions and
8 each Division shall be headed by an officer of the rank of Deputy Director.
9 Each Division shall consist of relevant numbers of Sections with each section
10 headed by an officer of the rank of Chief Research Officer, Chief Engineer or
11 Chief Scientific Officer as the case may be. Each section shall also consist of
12 relevant number of Units for effective and efficient functioning.

Establishment
of Scientific,
Technical and
Advisory
Committee

13 **13.**-(1) The Agency may establish Scientific, Technical and Advisory
14 Committee in the areas of Research to assist the Agency in various aspects of its
15 responsibilities.

16 (2) The members of a Scientific, Technical and Advisory Committee
17 shall be persons with requisite expertise and experience in the relevant areas of
18 research and mandate of the Agency.

19 (3) Subject to section 12c of this Act, Research Directors are
20 automatic members of the Committee.

21 (4) The Committee shall have membership to a maximum of seven.
22 The DG/CEO shall appoint other members of the committee

Establishment
of Demonstration
Factories, Spin-off
Companies and
Industrial Parks

23 **14.**-(1) The Agency may with the approval of the Minister and Board
24 establish Demonstration Factories, Spin-off companies and Industrial parks
25 which shall be located in such geo-political zones in Nigeria as may be selected
26 by the Agency, based on raw materials availability and other factors of
27 production of comparative advantage in such zones.

28 Demonstration factories are pilot plant arising from Research and
29 characterised by innovation to attract entrepreneurial interest for industrial
30 growth.

1 Spin off companies which are incidental outcomes of research will expand
 2 the scope of local raw material utilization leading to industrial growth.
 3 Conglomeration of all of the above would give rise to Industrial park.

4 (2) The demonstration Factories, Spin-off Companies and
 5 Industrial parks shall be fully equipped to carry out its production and
 6 business activities.

7 A suitable association and collaboration of the Demonstration factories,
 8 Spin off Companies and Industrial parks with universities, other institutions
 9 of higher learning and commercial industries should be encouraged.

10 **15.** The Agency with the approval of the Minister and the Board
 11 may establish a liaison office at the Federal Capital Territory (FCT) to
 12 facilitate contacts with other Government Agencies.

Establishment
of Liaison office
in the Federal
Capital Territory
(FCT)

13 **16.** The Agency may with the approval of the Minister and Board
 14 establish outreach centres in the six geopolitical zones of the Federation and
 15 FCT for effective and efficient delivery of its mandate.

Establishment
of outreach centres
in the six geo-
political zones
of the Federation
and FCT

16 **17.** The Agency may with the approval of relevant authorities
 17 establish and operate PRODA consult which shall be a semi-autonomous
 18 body to commercialize inventions and innovations.

Establishment
of PRODA Consult

19 PART IV- APPOINTMENT OF DIRECTOR-GENERAL/CHIEF EXECUTIVE
 20 OFFICER AND STAFF OF THE AGENCY

21 **18.-(i) Appointment:**

22 There shall be appointed for the Agency by the President of the Federal
 23 Republic of Nigeria on the recommendation of the Board and approval of
 24 the Supervising Minister, Director-General/Chief Executive Officer who
 25 shall:

Appointment of
Director-General/
Chief Executive
Officer

26 (a) Be responsible for the execution of the policy and the day-to-
 27 day administration of the affairs of the Agency;

28 (b) Be the Chief Executive Officer of the Agency, and

29 (c) Have a cognate experience and skills not less than 15 years post
 30 qualification as a professional; and other criteria as contained in the

1 Condition of Service for Research Institutes.

2 (iii) Tenure of Office of Director-General/Chief Executive Officer:

3 The Director-General/Chief Executive Officer shall hold office for a term of
4 four (4) years in the first instance renewable for another term of four (4) years
5 up to a maximum of two terms and no more, thereafter he/she becomes a
6 Research Director.

7 In the absence of the DG/CEO, the most senior Research Director shall be
8 appointed in acting capacity.

9 (iii) Duties of the Director-General/Chief Executive Officer as
10 Member/Secretary of Board.

11 The Director-General shall be the Chief Executive of the Agency and also shall
12 be member/secretary of the Board and shall:

13 (a) Prepare the minutes of meetings of the Board and its Committees;

14 (b) Keep and secure the corporate record of the Board;

15 (c) Issue notices of meetings of the Board as may be directed by the
16 Board Chairman;

17 (d) Be responsible for ensuring the implementation of the decisions of
18 the Board in accordance with extant Government Regulations;

19 (e) Prepare draft expenditure, estimates and development plans for
20 the Board and Agency;

21 (f) Have custody of the seal of the Agency; and

22 (g) Perform such other functions as may be determined by the Board
23 from time to time.

Appointment
Principal Officers
of the Agency

24 **19.**-(i) The Agency shall have the following officers:

25 (a) Head of Departments/Directors;

26 (b) Deputy Directors.

27 (iii) The Director/Head of Department shall assist the Director-
28 General/CEO in the day-to-day management of the Agency.

29 (iii) A Director/Head of Department shall:

30 (a) Head the Directorate of the Agency which he / she coordinates;

1 (b) Implement the policies of the Agency as they apply to the
2 directorate which he / she coordinates;

3 (c) Prepare draft expenditure estimate and development plans of
4 his directorates;

5 (d) May serve on Scientific, Technical and Advisory Committee of
6 the Agency;

7 (e) Perform such other functions as may be determined by the
8 Director-General/Chief Executive Officer from time to time.

9 **20.**-(1) The Board may from time to time, appoint such other
10 persons as members of staff of the Agency upon recommendation by the
11 Director-General/CEO as may be deemed necessary subject to the Extant
12 Rules and Conditions of Service for Research Institutes

Appointment of
other members
of staff of the
Agency

13 (2) The members of staff of the Agency shall be public officers as
14 defined in the Constitution of the Federal Republic of Nigeria 1999.

15 **21.** The salaries and benefits of all the members of staff of the
16 Agency shall be in accordance with the approved Salary Structures for
17 Research Institutes in Nigeria.

Remuneration
of employees of
the Agency

18 **22.** Staff regulation will be in accordance with approved
19 Conditions/Scheme of Service for Research Institutes.

Staff Regulations,
etc.

20 **23.**-(1) It is hereby declared that service in the employment of the
21 Agency shall be an approved service under the Pensions Reform Act and
22 accordingly, officers and employees of the Agency shall in respect of their
23 services be entitled to pensions and gratuities and other retirement benefits
24 as are prescribed under the Pension Reform Act;

Service in the
Agency/Application
of the Pension Act
No. 2 of 2004

25 (2) Notwithstanding the provisions of subsection (1) of this
26 section, nothing in this Act shall prevent the appointment of a person to any
27 office on terms which preclude the grant of a pension and gratuity in respect
28 of that office;

29 (3) For the purposes of the application of the Pensions Reform Act,
30 any power exercisable there under by the Minister or authority other than the

1 Federal Government (not being the power to make regulations under Section
2 22 thereof) is hereby vested in and shall be exercisable by the Agency and not
3 by any other person or authority;

4 (4) Subject to subsection (2) of this section, the Pensions Reform Act
5 shall in its application by virtue of subsection (3) of this section to any office,
6 have effect as of the office where in the Public Service of the Federation within
7 the meaning of the Constitution of the Federal Republic of Nigeria, 1999.

8 PART V - FINANCIAL PROVISIONS

Funds of the
Agency

9 **24.**-(1) The Agency shall establish and maintain a fund which shall be
10 applied towards the promotion of the objectives specified in this Act.

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

13 (a) Fees charged for services rendered by the Agency;

14 (b) Contributions from the organized private sector;

15 (c) All sums accruing to the Agency by ways of gifts, testamentary
16 disposition and endowments or contributions from philanthropic persons; and

17 (d) Such money as may be appropriated to it by the National
18 Assembly, Foreign Aid and assistance from bilateral and multilateral
19 Agencies;

20 (e) Commercialization of Research and Development products by the
21 Agency.

22 (3) Notwithstanding the provision of subsection (2) of the section,
23 every application for registration of the Agency's Journal shall attract a fee
24 which shall be credited and maintained in separate account by the Agency. Part
25 of this fund shall be used for the publication of the Agency's Journal.

26 (4) The funds referred to in subsection (2) of this section shall be as
27 determined from time to time by the Management of the Agency.

Expenditure of
the Agency
(Fund
Administration)

28 **25.** The Agency shall from time to time apply the proceeds of the
29 funds established in pursuance of section 24 of this Act to:

30 (a) The cost of establishing and maintaining the Head Office as well

1 as the outstations of the Agency;

2 (b) Pay the remuneration of members of the Board in accordance
3 with Extant Rules;

4 (c) Sponsor Local and International conferences, seminars,
5 workshops for members of staff of the Agency;

6 (d) Provision of scholarship award for specialized training of
7 personnel;

8 (e) Publicize and promote the activities of the Agency;

9 (f) Support National and International scientific bodies and pay
10 annual and other contributions to International scientific organization in
11 which Nigeria subscribes;

12 (g) Undertake any other activity in connection with all or any of the
13 functions of the Agency;

14 (h) Act for and in connection with all or any of its functions under
15 the Act and

16 (i) Organize Local and International conferences, seminars and
17 workshops.

18 **26.** All incomes derived by the Agency from the sources specified
19 in section 24 (2) of this Act shall be exempted from income tax. All other
20 contributions to the fund of the Agency shall be tax deductible.

Exemption from
Income Tax

21 **27.** Subject to the approval of the Minister and Board, the Agency
22 may invest in the profitable productions of capital goods by joint venture,
23 partnership, share-holding or as sole proprietor as the case may be. The net
24 income so generated shall be paid into the fund of the Agency.

Capital Production
Income

25 **28.** The Agency may, subject to the Supervisory Ministry or in
26 conjunction with the Federal Ministry of Finance invest any surplus funds in
27 profit-yielding ventures.

Disposal of
Surplus Funds

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

Annual Estimates

Accounts and Audit	1	30. -(1) The Agency shall keep proper accounts and records and shall
	2	prepare in respect of each year a statement of accounts in such forms as may be
	3	directed by the Auditor-General of the Federation;
	4	(2) The accounts of the agency shall be audited not later than six
	5	months after the end of the year to which it relates, by auditors appointed by the
	6	Agency from the list and in accordance with the guidelines supplied by the
	7	Auditor-General of the Federation.
Annual Report	8	31. -(1) The Agency shall as soon as possible after the expiration of
	9	each financial year but within six months after the end of the year prepare and
	10	submit to the Supervisory Ministry through the Board an annual report
	11	covering the activities and the operations of the Agency;
	12	(2) The annual report submitted under sub-section (1) of this section
	13	shall include the report of the Auditor;
	14	(3) The Agency shall not later than so" September in each year, submit
	15	to the Board the Annual Report of each of its outstations for the preceding year.
	16	(4) The Board shall also submit to the Supervisory Ministry other
	17	reports in writing requested by the Supervisory Ministry.
Financial Year	18	32. The financial year of the Agency shall be the same as that of the
	19	Government.
	20	PART VI - LEGAL ACTIONS AGAINST THE AGENCY
Limitation of Suit against the Agency, etc. Cap. P41, LFN	21	33. -(1) Subject to the provisions of this Act, the provision of the
	22	Public Officers Protection Act shall apply in relation to any suit instituted
	23	against any officer or employee of the Agency.
	24	(2) Notwithstanding anything contained in any other enactment or
	25	law, no suit shall lie or be instituted in any court against any member of the
	26	Agency, the Director-General/Chief Executive Officer, or any other officer or
	27	employee of the Agency for any act done in pursuance or execution of this Act
	28	or any enactment or law, duty or authority unless:
	29	(a) It is commenced within 3 months next after the act, neglect or
	30	default complained of, (there must be a 3 months Pre-trial Notice);

1 (b) In the case of continuation of damage or injury, within six (6)
2 months next after the cessation thereof.

3 34.-(1) Any notice given by the Agency under or for the purpose of
4 this Act shall be sufficiently given if it is in writing, under the seal of the
5 Agency or is signed by the Director-General/Chief Executive Officer, or by
6 one or more of the Principal Officers of the Agency, or by any person
7 purporting to act by direction of the Agency, and is served in accordance
8 with section 33 of this Act on the person or persons primarily concerned
9 there with or on any person or organization deemed by the Agency to
10 represent the person or persons primarily concerned therewith.

Service of Court
Processes

11 (2) All documents purporting to be signed by or on behalf of the
12 Agency or to be sealed with the seal of the Agency shall, in all courts and in
13 all proceeding under this Act, being deemed to have been so signed or sealed
14 with due authority, unless the contrary is established.

15 35.-(1) Any notices or other document required or authorized to be
16 served on or given to any person for the purpose of this Act may be served or
17 given by delivering it to that person or by leaving it at his usual or last known
18 place of residence or business or at the address specified by him in any
19 notice, application, or other document made, given or tendered to the
20 Agency under the Act, or by posting it by registered main to him at that place
21 of residence or business or at that address;

Service of
Notice(s)

22 (2) If any such notice or other document is sent to any person by
23 registered mail, then, unless the contrary is shown, it shall, be deemed to
24 have been delivered to him when it would have been delivered in the
25 ordinary course of posting a mail unless the contrary is established; and in
26 proving the delivery, it shall be sufficient to prove that there is return post
27 office slip showing actual delivery.

28 (3) Where for any purpose under this Act a notice or document is
29 required to be served on a firm or company, the notice or document may be
30 served on the Secretary, Executive Officer, Manager, or other officer

1 holding a similar position in the association or body shall, unless otherwise
2 directed by the Agency, be deemed to be service on all person who are members
3 of the Association or body or who are represented on the association or body by
4 those members.

5 (4) Any service of Notice or process on the Agency shall be by proven
6 registered post or by personal service on any Principal Officer of the Agency.

Power to accept
gifts

7 **36.**-(1) The Agency may accept gifts of land, money or other property,
8 whether within or outside Nigeria upon such terms and conditions if any, as
9 may be specified by the person or organization making the gift, provided that
10 the terms and conditions are not contrary to the objectives and functions of the
11 Agency;

12 (2) The Agency shall not accept any gift if the conditions attached by
13 the person or organization making the gift are inconsistent with the objectives
14 and functions of the Agency.

Utilization of
Gifts

15 **37.**-(1) A gift intended by a person for the Agency, or project of the
16 Agency shall be made directly to the Agency which shall utilize the gift for its
17 objects under this Act.

18 (2) In deciding to what use to put a gift, the Agency shall consider the
19 expressed wishes of the donor of the gift as are not inconsistent with the objects
20 of the Agency and in the case of an inconsistency arising between the expressed
21 wishes of the donor of a gift and the objects of the Agency, the gift may be
22 utilized by the Agency in furtherance of any of the objects of the Agency.

Powers to give
Directives

23 **37.** The Board may give to the Agency directives of a general
24 character relating to the policies and functions of the Agency and the Agency
25 shall comply with such directives in accordance with Government extant
26 Rules.

Investment

27 **39.** The Agency may, subject to the provisions of this Act, with
28 approval from the Supervisory Ministry and in conjunction with the Federal
29 Ministry of Finance and conditions of any trust created in respect of any
30 property invest all or any of its funds in any security prescribed by the

1	Investment and Securities Act or in such other securities as may from time to	
2	time, be approved by the Agency.	
3	40. -(1) The Agency shall be exempted from the payment of income	Exemption from Tax accruing from investment
4	tax in any income accruing from investment made by the Agency;	
5	(2) The provision of any enactment relating to the taxation of	
6	companies or trust funds shall not apply to the Agency.	
7	41. The Agency shall impose conditions and set targets for the	Joint Venture Targets technology Acquisition
8	formation of joint ventures or partnership between multinational services,	
9	Research Institutes, Institution or service companies in all sectors of the	
10	economy and certified indigenous services companies for the purpose of	
11	technological training and acquisition.	
12	42. The Agency shall make regulation with target to ensure full	Targets for in- country Research and Development Projects
13	utilization and steady growth of in-country capacity of Indigenous Research	
14	and Development in Science, Engineering Technology and Agro-Allied	
15	Materials and other facilities in National Economy.	
16	43. The Agency shall make regulations with requirements and	Research and Development
17	targets for the growth of Research and Development in the areas as	
18	prescribed by the mandate but not limited thereof as may be reviewed by the	
19	Agency, in particular Nigerian industry.	
20	44. In this Act, unless the content otherwise requires:	Interpretation
21	"Board" means the Governing body of the Agency;	
22	"Chairman" means the Chairman of the Board of the Agency;	
23	"Fund" means the fund of the Agency as established under the Section 23 of	
24	this Act;	
25	"Agency" means Projects Development Agency (PRODA);	
26	"Member" means a member of the Board and this includes the Chairman;	
27	"Principal Officer" means the Directors and other officers as specified in	
28	Section 19 of this Act;	
29	"Public Service" has the meaning assigned to it in the Constitution of the	
30	Federal Republic of Nigeria, 1999;	

1 "Secretary" means the DG/CEO of the Agency who is the Secretary to the
2 Board;
3 "Minister" means Minister of Science and Technology "President" means
4 President of the Federal Republic of Nigeria.

Short Title

5 45. This Bill may be cited as the Projects Development Agency
6 (PRODA) Enugu (Establishment) Bill, 2018.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

10 1. Subject to this Act and Section 44 of the Interpretation Act, the
11 Board may make standing orders regulating its proceedings or those of any of
12 its committees:

13 (i) The quorum of the Board shall be the Chairman or person presiding
14 the meeting and four other members of the Board and the quorum of any
15 committee of the Board shall be as determined by the Board;

16 (ii) The Board shall meet in full sessions not more than four times in
17 each year precluding emergency meetings thereto. The Chairman shall
18 summon all meetings by a notice given to him by not less than three (3) other
19 members. He shall summon a meeting of the Board to be held within 28 days
20 from the date on which the notice is given;

21 (iii) At any meeting of the Board, the Chairman shall preside but if he
22 is absent, the members present at the meeting shall appoint one of their
23 members to preside at the meeting;

24 (iv) Where the Board desires to obtain the advice of any person on a
25 particular matter, the Board may co-opt such person for such period as it
26 deemed fit, but a person who is in attendance by virtue of this subparagraph
27 shall not be entitled to vote at any meeting of the Board and shall not count
28 towards a quorum.

Committee

29
30 2.-(i) The Board may appoint one or more committees to carry out on

1 behalf of the Board, such functions as the Board may determine;

2 (ii) A committee appointed under this paragraph shall consist of
3 such number of persons as may be determined by the Board. And the person
4 shall hold office on the committee in accordance with the terms of his
5 appointment;

6 (iii) A decision of a committee shall be of no effect until it is
7 confirmed by the Board;

8 (iv) The validity of any proceedings of the Board or of a committee
9 thereof shall not be affected by any vacancy in the membership of the Board
10 or of a committee;

11 (v) Any member of the Board or any person holding office on a
12 committee of the Board, who has personal interest in any contract or
13 arrangement, shall disclose his interest to the Board and shall not influence
14 on any matter relating to the contract or arrangement.

15 *Miscellaneous*

16 3.-(1) The fixing of the seal of the Board shall be authenticated by
17 the signature of the Director-General/CEO or any person generally or
18 specifically authorized by the Board to act for that purpose.

19 (2) Any contract or instrument which, if made or executed by a
20 person not being a body corporate, would not be required to be under seal,
21 may be made or executed on behalf of the Board by the Director-
22 General/CEO or any person generally or specifically authorized by the
23 Board to act for that purpose.

24 (3) Any document purporting to be a document duly executed
25 under the seal of the Board shall be received in evidence and shall, unless
26 and until the contrary is proved, shall be presumed to be so executed.

27 (4) The validity of any proceeding of the Board or a committee
28 shall not be affected by:

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

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

3 (c) Reason that a person not entitled to do so took part in the
4 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 and existence of Projects Development Agency (PRODA), Enugu.