

NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY BILL, 2015

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SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL BIOTECHNOLOGY DEVELOPMENT AGENCY AND OTHER RELATED MATTERS

Sponsored Hon. Gyang Istifanus Dung

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

1 PART 1 – ESTABLISHMENT OF THE NATIONAL BIOTECHNOLOGY
2 DEVELOPMENT AGENCY AND IT'S GOVERNING BOARD, ETC.

3 1. -(1) There is established a body, known as the National
4 Biotechnology Development Agency (in this Act, referred to as “the
5 Agency”).

Establishment of
the National
Biotechnology
Development
Agency

6 (2) The Agency –

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

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

10 (c) may acquire, hold or dispose of any property, movable or
11 immovable, for the purpose of carrying out any of its functions under this
12 Act.

13 (3) The headquarters of the Agency shall be in the Federal Capital
14 Territory, Abuja.

15 2. -(1) There is established for the Agency, a Governing Board (in
16 this Act referred to as “the Board”).

Establishment
and membership
of the Governing
Board

17 (2) The Board shall consist of –

18 (a) a Chairman, who shall be appointed by the President on
19 recommendation of the Honourable Minister of Science and Technology, be
20 a person who is capable of making outstanding contribution to the Field of
21 biotechnology by reason of his ability, experience or specialized knowledge

1 of biotechnology.

2 (b) a representative each of the following Federal Ministries and
3 Agencies which are responsible for—

4 (i) Agriculture and Rural Development,

5 (ii) Internal Affairs,

6 (iii) Finance,

7 (iv) Health,

8 (v) Environment,

9 (vi) Organized private sector,

10 (vii) Industry, Trade and Investment;

11 (viii) Education; and

12 (ix) National Planning Commission,

13 (c) A representative of Biotechnology Society of Nigeria.

14 (d) A representative of Biotechnology Centers of Excellence;

15 (e) the President, Nigeria Association of Chambers of Commerce,
16 Industry, Mines and Agriculture (NACCIMA);

17 (f) two other persons with specialized knowledge in Biotechnology;

18 and

19 (g) the Director- General of the Agency who shall be the Secretary of
20 the Board.

21 (3) The Chairman and members of the Board other than ex- officio
22 members shall be appointed by the President on the recommendation of the
23 Minister.

24 (4) The supplementary provisions set out in the First Schedule to this
25 Act shall have effect with respect to the proceedings of the Board and the other
26 matters as set out.

27 *[First Schedule]*

Tenure of office

28 3. A member of the Board, other than an ex-officio member or the
29 Director- General, shall hold office subject to any other provisions under this
30 Act on such terms and conditions specified in his letter of appointment or as

1 may be approved from time to time by the President.

2 4. -(1) Notwithstanding the provisions of section 3 of this Act, a Cessation of
3 member of the Board shall cease to hold office if he – membership

4 (a) resigns his appointment by notice under his hand addressed to
5 the President;

6 (b) becomes of unsound mind;

7 (c) becomes bankrupt or makes a compromise with his creditors;

8 (d) is convicted of a felony or of any offence involving dishonesty
9 or corruption;

10 (e) becomes incapable of carrying out the functions of his office,
11 either arising from an infirmity of mind or body or any other cause.

12 (2) Where the President is satisfied that it is not in the interest of
13 the Agency or the public for a member to continue in office, the President
14 may remove that member from the Board.

15 (3) Where a vacancy occurs in the membership of the Board, it
16 shall be filled by the appointment of a successor to hold office for the
17 remainder of the term of office of his predecessor and the successor shall
18 represent the same interest as his predecessor.

19 5. The Chairman and members of the Board shall be paid such Remuneration of
20 emoluments, allowances and benefits as may be determined by the Revenue members of the
21 Mobilization, Allocation and Fiscal Commission. Board

22 6. The Board shall have power to –

23 (a) formulate policies for the Agency;

24 (b) approve annual estimates, reports and statements of Accounts
25 of the Agency;

26 (c) determine the terms and conditions of service of the employees
27 of the Agency;

28 (d) set up a National Biotechnology Technical Committee to serve
29 as the body of experts that will advise the Board on such matters as may be
30 assigned to it from time to time;

Powers and
functions of the
Board

1 (e) approve the creation of such Departments, Centres and units as
2 may be required for efficient performance of the functions of the Agency;
3 and

4 (f) carry out such other activities as may, in the opinion of the Board,
5 be necessary for the advancement of biotechnology research and development
6 in Nigeria.

7 PART II – FUNCTIONS OF THE AGENCY

Functions of
the Agency

8 7. The Agency shall –

9 (a) carry out a well focused research and development of
10 biotechnology in priority areas of food and agriculture, health, industry,
11 environment and other strategic sectors for national development. and draw up
12 programmes and policies for biotechnology utilization, research and
13 development in Nigeria;

14 (b) promote, co-ordinate and deploy cutting edge biotechnology
15 research and development activities in Nigeria;

16 (c) initiate and encourage capacity building in all aspects of
17 biotechnology required for the implementation of the national biotechnology
18 programme;

19 (d) publish and disseminate research findings and recommendations
20 of the Agency on Biotechnology;

21 (e) promote sustenance in the development and application of
22 acceptable and profitable technologies through strategic investments in
23 biotechnology research and development to support innovation and economic
24 development; ensure Nigeria becomes self reliant in the development and
25 application of biotechnology-based products and services ;

26 (f) encourage private sector participation in the Biotechnology
27 industry;

28 (g) ensure sustainable mechanism for adequate funding of
29 Biotechnology activities through national and international funding agencies;

30 (h) establish and supervise relevant Centres for the purpose of

- 1 executing the national biotechnology programmes;
- 2 (i) create public awareness and participation in biotechnology
3 development activities through strong advocacy programme, seminars,
4 conferences and workshops;
- 5 (j) collaborate on biotechnology with international research
6 centers, non-governmental organizations, industries, other national and
7 international biotechnology agencies and institutions;
- 8 (k) stimulate biotechnology entrepreneurship schemes to effect
9 rapid commercialization of biotechnology research and development
10 products;
- 11 (l) collaborate with and provide support for universities and other
12 academic institutions in the country for research and development projects
13 relevant to the national biotechnology programme;
- 14 (m) promote sustainable utilization of biological resources and
15 develop novel products to improve the production of our indigenous plants
16 and animals;
- 17 (n) exploration, collection, identification, evaluation,
18 characterization, storage and conservation of rich stock of both animal and
19 plant germplasm materials;
- 20 (o) acquisition, maintenance, utilization, exchange and
21 dissemination of information on genetic materials of plants, animals and
22 microbes;
- 23 (p) national co-ordination of genetic resources programme and its
24 sustainable utilization;
- 25 (q) fostering relationship with other national satellite genetic
26 research centres located in Research Institutes, Universities and
27 Polytechnics as well as other International Organizations and Centres on
28 programmes concerning genetic resources and biotechnology application;
- 29 (r) coordinating the activities of the National Committee on

1 Naming, Registration and Release of Crop Varieties, Livestock Breed and
2 Fisheries;

3 (s) arrest rapid erosion and loss in the country's crop and animal
4 genetic resources caused by cultivation, urbanization rural development,
5 grazing, desertification, pest outbreak, national catastrophes etc.;

6 (t) document appropriately the germplasm stocks held by the centre,
7 research institutes and relevant organisations;

8 (u) co-coordinate all biotechnology activities and ensure easy access
9 to stakeholders in matters relating to bioresources and biotechnology;

10 (v) serve as national bio informatics and biotechnology data center;

11 (w) be the national focal point for Bioethics to which Nigeria
12 subscribe; and

13 (x) undertake such other activities as are necessary or expedient for
14 the carrying out of the functions of the Agency and promotion of biotechnology
15 in Nigeria.

16 PART III – STRUCTURE OF THE AGENCY, ETC.

Establishment
of Departments

17 8. -(1) There is established for the Agency the following
18 Departments–

19 (a) Agricultural Biotechnology;

20 (b) Environmental Biotechnology;

21 (c) Medical Biotechnology;

22 (d) Genomic, Genetics resources and Bioinformatics;

23 (e) Bio entrepreneurship and Extension Services;

24 (f) Finance and Administration; and

25 (g) such other departments as may be established from time to time.

26 (2) Each department shall be headed by a director.

27 (3) The Departments referred to in subsection (1) (a)-(e) are the
28 technical Departments of the Agency.

- 1 9. Bio-resources Development Centres (BIODEC), Biotechnology Bio-resources
2 Centres of Excellence and Specialized Centres. Development
3 The Agency shall have, with the approval of the Board- Centres
4 (a) Bio-resources Development Centres (BioDecs) which shall be (BIODEC),
5 established in the geo-ecological zones in the Nigeria as contained in the Biotechnology
6 fourth schedule to this Act; Centres of
7 (b) Biotechnology Centres of Excellence which shall be located in Excellence and
8 the premier universities established in each of the geo-political zones in Specialized
9 Nigeria as contained in the fourth schedule to this Act; and Centres
- 10 (c) Specialized Centres which shall include—
- 11 (i) National Centre for Genetic Resources and Biotechnology
- 12 (NACGRAB), Ibadan, Oyo State, and
- 13 (ii) other specialized Centres which the Agency may deem
- 14 necessary to establish for the efficient performance of its functions under
- 15 this Act.
- 16 (2) An approval to establish a Centre under this Act may contain
- 17 supplementary or incidental provisions such as—
- 18 (a) the designation of the Centre;
- 19
- 20 (b) the field or fields where the Centre will carry out its activities;
- 21 (c) man-power training where required;
- 22 (d) the transfer to the Centre, by mutual agreement, of any existing
- 23 Federal, State and Local Government facilities; and
- 24 (e) a suitable association and collaboration of the Centre with
- 25 relevant institutions including academic institutions and commercial
- 26 sector.
- 27 (3) The provisions set out in the Second Schedule to this Act shall
- 28 apply to the Centres established under this Act.

1 [Second Schedule]

Establishment of
the National
Biotechnology
Technical
Committee2 10. -(1) There is established for the Board a National Biotechnology
3 Technical Committee (in this Act referred to as "the Committee").

4 (2) The Committee shall consist of—

5 (a) the Director-General of the Agency who shall be the Chairman;

6 (b) the Technical and Research Directors of the Agency

7 (c) five eminent Nigerian biotechnologist to be appointed by the

8 Board;

9 (d) a representative of Centers of Excellence;

10 (e) two persons who shall represent the Universities;

11 (f) one person who shall represent the polytechnics; and

12 (g) a representative of biotechnology company from the private
13 sector.14 (3) The members of the Committee, other than the Chairman and
15 members specified in paragraphs (b), (c) and (d) of subsection (2) of this
16 section shall be appointed by the Minister on the recommendation of the bodies
17 they represent.18 (4) The Committee may co-opt persons from other Federal
19 Ministries, extra-ministerial departments and other relevant bodies to serve on
20 the Committee to ensure the efficient performance of the functions of the
21 Agency under this Act.Functions of
the Committee

22 11. -(1) The Committee shall—

23 (a) serve as the body of experts that will advise the Board;

24 (b) assist the Director-General when so requested, in the preparation
25 and implementation of the any function of the Agency;26 (c) assist the Director-General when so requested by the Board, in the
27 preparation of the annual, medium- term, and long- term research and
28 development programmes of the Agency;

29 (d) on the directive of the Board, receive and consider research

1 proposals from the various technical departments of the Agency and from
2 the centres;

3 (e) appoint from its own members or otherwise such
4 sub-committees as it may consider expedient and delegate to such
5 sub-committee any functions which the Committee is competent to
6 perform;

7 (f) furnish the Board with reports of its proceedings; and

8 (h) perform any other function that may be assigned to it, from
9 time to time, by the Board.

10 (2) The Committee shall have power to regulate its proceedings
11 and may make standing order with respect to its meetings, notices to be
12 given, recording, custody and production for inspection of the minutes of
13 such meetings.

14 (3) The Committee shall meet at least twice in a year and at such
15 other time as may be approved by the Board.

16 (4) A director from one of the technical departments of the Agency
17 shall serve as the Secretary of the Committee.

18 12. -(1) A member of the Committee shall cease to hold office if
19 he—

Cessation from
Office of a
members of the
Committee

20 (a) becomes of unsound mind or incapable of carrying out his
21 duties;

22 (b) becomes bankrupt or makes a compromise with his creditors;

23 (c) is convicted of a felony or of any offence involving dishonesty;

24 (d) is guilty of serious misconduct in relation to his duties; or

25 (e) resigns by notice in writing under his hand addressed to the
26 Board.

27 (2) Where the Board is satisfied that it is not in the interest of the
28 Agency or the public for a member of the Committee to continue in office,
29 the Board may remove that member from the Committee.

PART IV – STAFF OF THE AGENCY

Director-General

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13.-(1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister.

(2) The Director-General shall be-

(a) the Chief Executive and Accounting Officer of the Agency;

(b) a person with a minimum of 15 years demonstrable research experience in Science and technology and knowledgeable in the field of Biotechnology;

(c) a holder of at least a PHD in biological sciences or other related field;

(d) responsible for the execution of the policy, programmes and day to day administration of the Agency;

(e) responsible for general direction and superintendence of the affairs of the Centers established under this Act;

(f) the Secretary to the Board and in this regard, shall –

(i) prepare minutes of meetings of the Board and its Committees,

(ii) keep and secure the records of the Board,

(iii) issue notices and other correspondence as may be directed by the Board,

(g) ensure proper dissemination of the decisions of the Board to the appropriate persons, institutions or authorities; and

(h) carry out such other functions and duties as the Board may assign to him.

(3) The Director-General shall hold office –

(a) for a term of four years and may be re-appointed for a further term of four years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

14.-(1) The Board shall on the recommendation of the Director-General appoint Directors who shall be in charge of the Technical Departments

1 provided under section 8 (3) of this Act.

2 (2) A Director who is in charge of a Technical Department shall
3 have—

4 (a) a degree or its equivalent in the relevant discipline; and

5 (b) relevant expertise and experience required for the efficient
6 performance of the functions of the Department .

7 (3) A Director in a technical Department shall—

8 (a) be the head of the technical Department of the Agency which he
9 directs;

10 (b) supervise other staff of Department;

11 (c) prepare draft expenditure estimates and development plan of
12 the Department he heads; and

13 (d) perform such other functions as may be assigned to him by the
14 Director-General.

15 **15. -(1)** The Board shall on the recommendation of the Director-
16 General appoint a person with a university degree or its equivalent and
17 a minimum of twelve years experience in the field of finance, account or
18 administration, as the Director of Finance and Administration.

Director of
Finance and
Administration

19 (2) The Director of Finance and Administration shall—

20 (a) be the head of the Finance and Administrative Department of
21 the Agency;

22 (b) prepare draft expenditure estimates and budget; and

23 (c) perform such other functions as may be assigned to him by the
24 Director-General.

25 **16. -(1)** The Board shall on the recommendation of the Director-
26 General appoint a well-qualified and experienced person to hold the office
27 of Coordinating Director of the Centres.

Coordinating
Director of
Centres

28 (2) A Coordinating Director shall-

29 (a) Oversee all the centres established under this Act;

30 (b) monitor, evaluate and review the performance of the Centres;

1 (c) ensure that the Centres perform their functions in an efficient
2 manner;

3 (d) prepare and submit quarterly report on the activities of the Centres
4 to the Director-General; and

5 (e) perform such other functions as may be assigned to him by the
6 Director-General.

Director of
Centre

7 17.-(1) The Board shall on the recommendation of the Director-
8 General appoint Directors to head each of the Centres established under this
9 Act.

10 (2) A Director of a Centre appointed under this section shall
11 superintend the activities of the Centre and shall have expertise and a minimum
12 of twelve years practical experience in addition to a degree or its equivalent in
13 any discipline that is relevant to the activities in the Centre he superintends.

Research Director

14 18. -(1) A Director appointed as head of a technical Department under
15 section 14 of this Act shall-

16 (a) cease to hold office as such Director when he has held that office
17 for period of eight years; and

18 (b) be designated as Research Director where he has not attained the
19 mandatory age of retirement.

20 (2) A Research Director shall perform such functions as may be
21 assigned to him by the Director-General.

Other Staff

22 19. -(1) The Agency may, subject to the approval of the Board,
23 appoint such other staff as it may deem necessary-

24 (a) for the efficient performance of the functions of the Agency; and

25 (b) on such terms and conditions as may be specified from time to
26 time by the Board.

27 (2) The provisions of the Public Service Rules, 2008 or any other
28 subsequent enactment shall apply to staff regulations, removal and disciplinary
29 measures of staff of the Agency.

1 (d) the payment of the personnel, overhead, allowances, benefits and
2 other administrative;

3 (e) the cost of maintaining the head office and operating the Centres
4 provided under this Act;

5 (f) the training of members of staff of the Agency;

6 (g) the publication and promotion of research results;

7 (h) the support of national scientific bodies and to the payment of
8 contributions to international scientific organizations to which the Agency
9 subscribes; and

10 (i) undertake any other activity in connection with all or any of the
11 functions of the Agency under this Act.

Exemption
from tax

12 **24.**-(1) The Agency shall be exempted from the payment of tax on any
13 income accruing from investments made by the Agency.

14 (2) The provision of any enactment relating to the taxation of
15 companies or Trust funds shall not apply to the Agency.

Investment of
income

16 **25.** Subject to the approval of the Board, the Agency may invest its
17 income in profitable production of goods by joint venture, partnerships, or
18 shareholding as the case may be, and the net income so generated shall be paid
19 into the fund of the Agency.

Annual estimates
income and
expenditure

20 **26.** The Agency shall, not later than 30th September in each year,
21 submit to the Board for approval, its programme of work and estimate of its
22 income and expenditure including payments into the Agency's fund for the next
23 succeeding year.

Accounts and
Audits

24 **27.**-(1) The Agency shall keep proper accounts in respect of each year
25 and proper records in relation to those accounts and shall cause its accounts to
26 be audited.

27 (2) The accounts of the Agency shall be audited not later than 6
28 months after the end of the year to which they relate by the Auditors appointed
29 by the Agency from the list of Auditors supplied and in accordance with the
30 guidelines issued by the Auditor-General of the Federation.

1 28. -(1) The Agency shall prepare and submit to the Board not later Annual Reports
2 than 30th September in each year, a report on the activities of the Agency, the
3 Audited accounts of the Agency and the Auditor's report for the immediate
4 preceding year.

5 (2) The Agency shall, not later than 31st October in each year,
6 submit to the Board the Annual report of each of its Centres for the
7 immediate preceding year.

8 29. The Agency may with the consent of the Board or in Power to borrow
9 accordance with any general guidelines approved by the Minister, borrow
10 by way of loan, or overdraft from any source, any monies required by the
11 Agency for meeting its obligations and discharging its functions under this
12 Act.

13 PART VI – LEGAL PROCEEDINGS

14 30.-(1) A suit shall not be commenced against the Agency, before Commencement
of suits or service
of notice
15 the expiration of one month, after written notice of intention to commence
16 the suit have been served upon the Agency by the intending plaintiff or his
17 agent, and the notice shall clearly and explicitly state the –

- 18 (a) cause of the action;
19 (b) particulars of claim;
20 (c) name and place of abode of intending plaintiff; and
21 (d) relief which he claims.

22 (2) The notice referred to in subsection (1) of this section and any
23 summons, notice or other documents required or authorized to be served
24 upon the Agency under this Act or any other enactment or Law, may be
25 served by –

- 26 (a) delivering same to the Director-General; or
27 (b) sending it by registered post addressed to the Director-General
28 at the head office of the Agency.

29 31. -(1) In any action or suit against the Agency, execution or Restriction on
execution against
property of the
Agency
30 attachment of process shall not be issued against the Agency except –

1 (a) a three month notice of the intention to execute or attach has been
2 given to the Agency, and

3 (b) a written content of the Honourable Attorney General of the
4 Federation and Minister of Justice is obtained and not less than three months.

5 (2) Any sum of money which by the judgment of any court has been
6 awarded against the Agency shall, subject to the directives given by the court,
7 where notice of appeal against the judgments has been given, be paid from the
8 funds of the Agency.

9 PART VII – MISCELLANEOUS

Power to purchase
or take on lease
property

10 32. The Agency may, subject to the Land Use Act, purchase, lease any
11 interest in land, building or property, or build, equip and maintain such other
12 offices and premises for the efficient performance of its functions under this
13 Act.

Power to sell or
lease out
property

14 33. The Agency may, subject to the Land Use Act, sell or lease out any
15 land, office or premises held by it, which is no longer required for the
16 performance of its functions under this Act.

Indemnity

17 34. The Director-General or any officer or employee of the Agency
18 shall be indemnified out of the assets of the Agency against any liability
19 incurred by him in defending any proceeding, whether civil or criminal, if the
20 proceeding is brought against him in his capacity as a member, Director-
21 General, officer or other employee of the Agency.

Power of the
Minister to give
directives

22 35. The Minister may give to the Agency such directives as he may
23 consider necessary for the effective discharge of the functions of Agency under
24 this Act and the Agency shall comply or cause them to be complied with.

Power to make
regulations

25 36.-(1) The Board may with the approval of the Minister, make such
26 regulations generally for the purpose of giving full effect to the provisions of
27 this Act, and in facilitating the discharge of the functions of the Agency.

28 (2) The Board may issue guidelines to give full effect to the respective
29 relevant provisions of this Act.

30 (3) Regulations made shall be published in the Federal official gazette

1 and in such as the Agency may prescribe

2 **37. This Act repeals -**

Repeals

3 (a) Section 6(2)(d)(ii) of;

4 (b) paragraph 2(j)(iv) of the Second Schedule to the National
5 Agency for Science and Engineering Infrastructure Act, Cap N3 , LFN,
6 2004; and

7 (c) National Centre for Genetic Resources and Biotechnology
8 (NACGRAB), Decree No. 33 of 1987.

9 **38. As from the commencement of this Act-**

Savings

10 (a) all assets, rights, liabilities and obligations which immediately
11 before the commencement of this Act, were assets, rights, liabilities and
12 obligations of National Centre for Genetic Resources and Biotechnology
13 (NACGRAB) or any other body related to Biotechnology shall by virtue of
14 this Act, be taken over by the National Biotechnology Development
15 Agency;

16 (b) anything made or done or having effect under the repealed Act,
17 shall be treated, as if it were made or done by the Agency established under
18 this Act.

19 **39. In this Act--**

Interpretation

20 "Agency" means the National Biotechnology Development Agency
21 established under section 1 of this Act;

22 "Biotechnology" means a field of applied biology that involves the use of
23 living organisms, plant cells and bio processes in engineering, technology,
24 medicine, agriculture and other fields requiring bio products;

25 "Board" means the Governing Board of the Agency established under
26 section 2 of this Act;

27 "Center" means all bioresources development centers, Biotechnology
28 centers of excellence, specialized centers and other relevant centers as the
29 Agency may establish from time to time;

30 "Chairman" means the Chairman of the Governing Board of the Agency;

- 1 “Committee” means the National Biotechnology Technical Committee
2 established under section 10 of this Act;
- 3 “Director-General” means the Director-General of the Agency;
- 4 “Fund” means the fund of the Agency established under section 22 of this Act;
- 5 “Geo ecological” means the ecological zones as reflected in the National
6 geography;
- 7 “Geo political” means the six political zones as it exists in the Country;
- 8 “Member” means a member of the Board of the Agency including the
9 Chairman;
- 10 “Minister” means the Minister charged with the responsibility for Science and
11 Technology.
- 12 “President” means the President of the Federal Republic of Nigeria;
- 13 “Public officer” means any person working in the public service of the
14 Federation or of a State as defined in the 1999 Constitution of the Federal
15 Republic of Nigeria;
- 16 “Research and Development” means creative work undertaken on a systematic
17 basis in order to increase knowledge in Biotechnology and the use of this
18 knowledge to devise new biotechnology applications; and
- 19 “Technical department” means sections involved in scientific activities.
- 20 **40.** This Act may be cited as the National Biotechnology
21 Development Agency Bill, 2015.

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SCHEDULES

FIRST SCHEDULE

[Section 2 (3)]

SUPPLEMENTARY PROVISION RELATING TO THE BOARD

Proceedings of the Board

[CAP. 123, LFN, 2004]

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters the Board may from time to time determine.

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

3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and six other members.

4. The chairman shall in the case of an equality of votes, have a casting vote in addition to his deliberate vote.

5. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by majority of votes of members present and voting.

6. The Board shall, for the purpose 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 five other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

7. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to be a member of the Board for

1 such period as it deems fit, and that person while so co-opted shall have all the
2 rights and privileges of a member, except that he shall not be entitled to vote at
3 any meeting of the Board and shall not count towards a quorum.

4 Committees.

5 8. -(1) Subject to its standing orders, the Board may appoint such
6 member of standing and ad-hoc Committees as it thinks fit to consider and
7 report on any matter with which the Agency is concerned.

8 (2) A committee appointed under this paragraph shall-

9 (a) Consist of such number of persons (not necessarily members of
10 the Board) as may be determined by the Board; and

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

12 (3) A person other than a member of the Board who is appointed
13 pursuant to this paragraph, shall hold office on the committee in accordance
14 with the terms of his appointment.

15 (4) The quorum of any committee set up by the Board shall be as
16 determined by the Board.

17 (5) A decision of a committee of the Board shall be of no effect until it
18 is confirmed by the Board.

19 9. The fixing of the seal of the Agency shall be authenticated by the
20 signature of the Director-General and witnessed by the Legal Adviser of the
21 Agency.

22 10. A contract or an instrument which, if made or executed by a
23 person not being a body corporate, would not be required to be under seal may
24 be made or executed on behalf of the Agency by the Director-General and
25 witnessed by the legal adviser of the Agency or by any other person specifically
26 authorized by the Board to act for that purpose.

27 11. A document purporting to be a contract, instrument or other
28 document duly signed or sealed on behalf of the Agency shall be received in
29 evidence and shall, unless the contrary is proved, be presumed without further
30 proof to have been so signed or sealed.

- 1 practices in the development of indigenous bio resources;
- 2 (d) application of tissue culture for plant and animal conservation and
3 agricultural development as well as training people in tissue culture
4 techniques;
- 5 (e) to arrest rapid erosion and loss in the country's crop and animal
6 genetic resources;
- 7 (f) to document the germplasm stocks held by the center, research
8 institutes and relevant organizations;
- 9 (g) establishment of repositories for developed bioresources for
10 protection of intellectual property rights;
- 11 (h) provision of bio enterprises for public information and policy
12 formulation to encourage commercial production;
- 13 (i) deployment of biotechnology to the grass root communities;
- 14 (j) training and continuous Education of staff of the Centres in
15 bioresources and bio enterprises development;
- 16 (k) promotion and collaboration in bioresources and bio enterprises
17 development with private and public sectors, researchers, industry and
18 academia;
- 19 (l) such other activity as the Director of the Centre or the Agency may
20 from time to time determine.
- 21 3. -(1) Each Centre shall have power to –
- 22 (a) prepare –
- 23 (i) a programme of research, development and commercialization of
24 results, within the field for which the Centre is responsible, for such periods,
25 not less than three years, as the Director may, with the approval of the Director
26 General, determine, and
- 27 (ii) detailed estimates of the expenditure which shall be required for
28 carrying out the programme;
- 29 (b) review and, if necessary, revise each year, the programme
30 approved under sub-paragraph (a) of this paragraph for the following year,

1 together with estimated budget for that year;

2 (c) carry out the programme of research, development and
3 commercialization of results approved by the Agency; and

4 (d) make suitable arrangements for the diffusion of research
5 results in the economy by –

6 (i) establishing effective mechanisms in active collaboration with
7 Federal and State Ministries of Agriculture and the World Bank supported
8 agricultural development projects in the States, for extension work to
9 farmers and industrialists,

10 (ii) establishing in-house pilot production units and plants to
11 demonstrate the commercial viability of research results,

12 (iii) collaborating with the Federal and State Ministries of Trade
13 and Investment in the generation of private-sector industries as Centres, and

14 (iv) establishing systems for an effective media publicity of
15 research results, so however, that where expenditure of funds is involved,
16 the Centre shall obtain the approval of the Board.

17 (2) Subject to the provisions of this Act, each Centre shall be self-
18 accounting and shall have power to take such decisions and to enter into
19 such transactions, which in its opinion ought to be undertaken in the proper
20 discharge of its functions, subject to the approval of the Director General.

21 (3) Each Centre shall, in particular and without prejudice to the
22 generality of the other powers conferred by this paragraph, have power to
23 acquire and hold property and any interest in land, with the approval of the
24 Director General.

25 4. -(1) There shall be for each Centre other members of staff as
26 appointed by the Agency.

Staff of the
Centres

27 (2) The Director of each Centre may request from the Agency such
28 members of staff as are deemed necessary for the proper discharge of the
29 functions of the Centres under this Act.

30

Fund of the Centres	1	5. -(1) Each Centre shall establish and maintain a fund from which
	2	shall be defrayed all expenditure incurred by the Centre. The signatories to the
	3	fund shall be the Director General and the Director of the Centre.
	4	(2) There shall be paid into the fund—
	5	(a) such sums as may accrue to the Centre as revenue from its
	6	operations;
	7	(b) such sums as may be made available to the Centre by the Agency;
	8	(c) such sums as may be made available through appropriation; and
	9	(d) such other assets as may accrue to the Centre, from time to time.
	10	(3) The fund shall be managed in accordance with extant Financial
	11	Regulations.
Annual estimate	12	6. Each Centre shall submit to the Agency, not later than 31 October
	13	each year, its programme of work and estimates of income and expenditure for
	14	the following year.
Annual and Quarterly report	15	7. The Director of each Centre shall submit to the Agency an annual,
	16	quarterly operational and financial report on the activities of the Centre not
	17	later than—
	18	(a) two weeks after the end of the preceding quarter in case of a
	19	quarterly report; or
	20	(b) six months after the end of each year in case of the Annual report.
Power to borrow money	21	8. Each Centre may borrow money with the approval of the Director
	22	General.
Restriction on entering into contract with foreign countries	23	9. A Centre shall not enter into any contract or arrangement with a
	24	foreign country or body without a prior clearance and approval by the Director
	25	General.
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1 THIRD SCHEDULE

2 [Section 9 (1) and (2)]

3 1. GEO-ECOLOGICAL ZONES IN THE NIGERIA

- 4 (a) NABDA Headquarters, Abuja, FCT;
- 5 (b) Odi, Bayelsa State;
- 6 (c) Isanlu, Kogi State;
- 7 (d) Katsina State;
- 8 (e) Owode, Ogun State;
- 9 (f) Jalingo, Taraba State;
- 10 (g) Arochukwu, Abia State;
- 11 (h) Ogbomoso, Oyo State;
- 12 (i) Kano, Kano State; and
- 13 (j) such other zone as the Agency may deem necessary to establish for
- 14 the efficient performance of its functions under this Act.

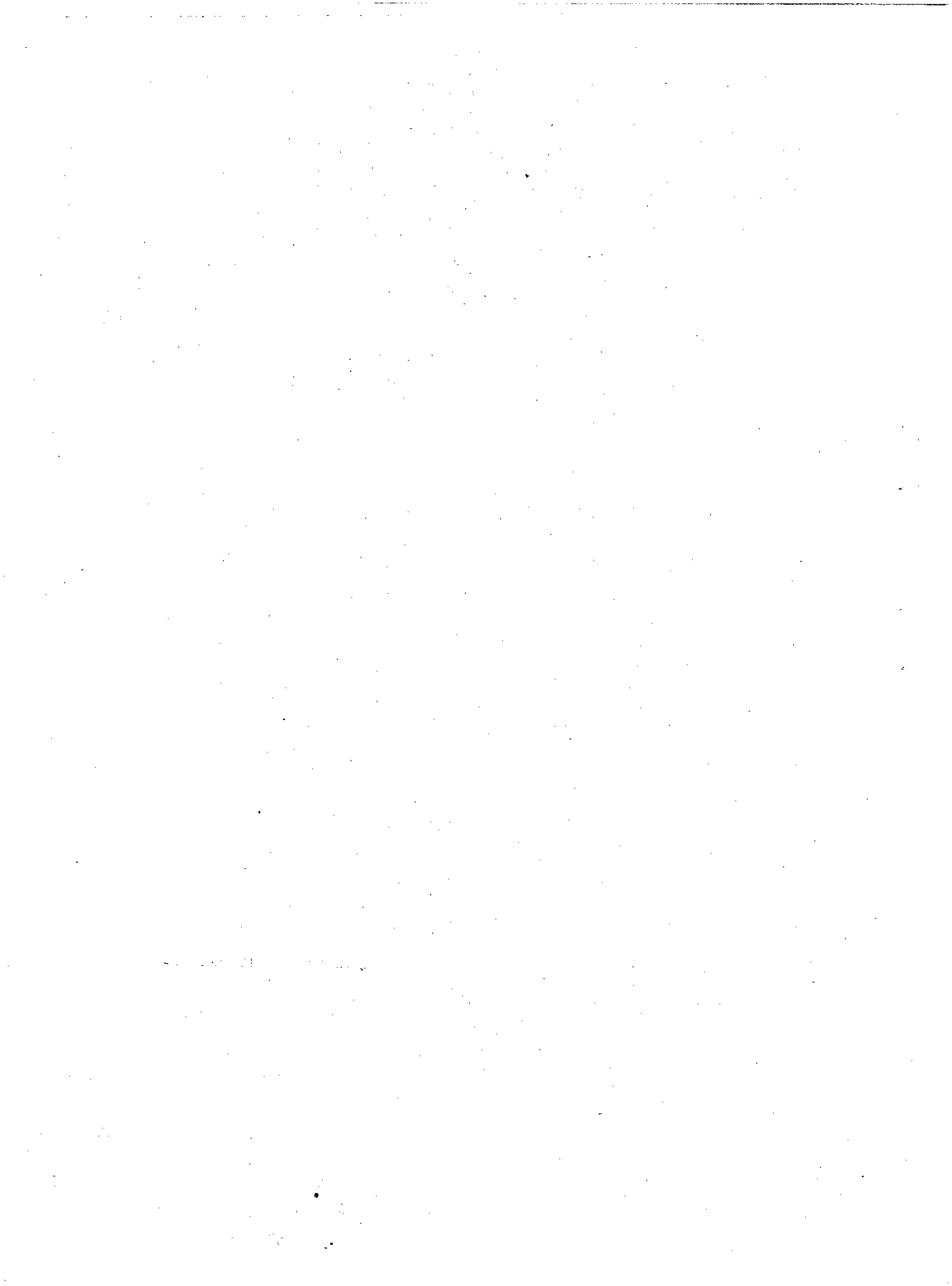
15 2. THE PREMIER UNIVERSITIES IN EACH OF THE SIX GEO-

16 POLITICAL ZONES IN NIGERIA

- 17 (a) University of Maiduguri, Maiduguri- North-East Zone.
- 18 (b) University of Port Harcourt, Port Harcourt -South-South Zone.
- 19 (c) University of Nigeria, Nsukka-South-East Zone.
- 20 (d) Ahmadu Bello University, Zaria-North-West Zone.
- 21 (e) University of Ibadan, Ibadan -South-West Zone.
- 22 (f) University of Jos, Jos -North-Central Zone.

EXPLANATORY MEMORANDUM

This Act provides for the establishment of the National Biotechnology Development Agency, for Research and Development, Promotion, Coordination and Management of Biotechnology in Nigeria.



INVESTMENT AND SECURITIES ACT (AMENDMENT) BILL, 2015

ARRANGEMENT OF SECTIONS

Section:

1. Amendment of Investment and Securities Act, 2007.
2. Amendment of section 20.
3. Amendment of section 21.
4. Amendment of section 23.
5. Amendment of section 26.
6. Short title.

