

A BILL

FOR

AN ACT TO REPEAL THE FORESTRY RESEARCH INSTITUTE OF NIGERIA ACT, 1973, AND RE-ENACT THE FORESTRY RESEARCH INSTITUTE OF NIGERIA BILL, 2015; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsored by Hon. Davidmatic Onmubugadu

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC OF THE FORESTRY RESEARCH
2 INSTITUTE OF NIGERIA

3 1.-(1) There is established a body to be known as the Forestry
4 Research Institute of Nigeria in this Bill referred to as "the Institute" which
5 shall be a body corporate and charged with the performance of the following
6 functions:

Establishment and Mandates of the Institute

7 (2) The broad mandates of the institute shall be; Research, Training
8 and Extension/Dissemination of findings.

Mandates of the Institute

9 (3) (a) the improvement of the genetic resources of forest trees and
10 the ecosystem for economic development;

Specific Mandates

11 (b) the improvement of silvicultural practices relating to forest
12 trees of economic importance;

13 (c) the mechanisation and improvement of the methods of
14 cultivating, harvesting, processing, domestication and biotechnological
15 mass production of plant stocks of forest trees of economic importance;

16 (d) research into the utilisation strategies of forest products,
17 improvement of same, inclusive of forest and processed mill-wood wastes;

18 (e) studying the ecology of pests and diseases of forest trees and
19 their control;

20 (f) research into the development of agro-forestry systems for the

1 integration of forest trees of economic importance into farming systems in
2 different ecological zones and its socio-economic effects on the rural
3 populations;

4 (g) control forestry enterprises through Registration, issuance of
5 licence and permit to public or private organisations and individuals carrying
6 out businesses relating to forestry flora and fauna;

7 (h) forestry education and training; through its National and Higher
8 National Diploma awarding Tertiary Institutions namely:

9 (i) Federal College of Forestry, Ibadan;

10 (ii) Federal College of Forestry, Jos;

11 (iii) Federal College of Wildlife Management, New Bussa;

12 (iv) Federal College of Forestry Mechanization, Afaka.

13 (i) forestry extension and dissemination;

14 (j) to conduct research into the biodiversity of Nigerian forests in
15 relation to its flora and fauna;

16 (k) to conduct research into the different suitable biological materials
17 and appropriate methods of control of ecological and environmental problems
18 of the country in respect to desertification, soil erosion and deforestation;
19 inclusive of the protection of the coastal mangrove and renewable energy;

20 (l) to conduct research into the appropriate application of remote
21 sensing and geographical information systems (GIS) for climate change
22 monitoring and adaptation as well as dendrology studies;

23 (m) making suitable arrangements for the application of the results of
24 the research work as per sub-paragraph (i) above by the Federal and State
25 ministries, agencies and the private sector for the economic development of
26 Nigeria;

27 (n) co-operating with relevant Nigerian and International
28 Universities, Research Institutes and other institutions in the mobilisation of
29 the country's research potential for the task of national development and
30 dissemination of research findings for the use of policy makers at all levels and;

1 (o) doing anything and entering into any transaction which in its
2 opinion ought to be done in the proper discharge of its functions.

3 2. -(a) The Institute shall have perpetual succession and a common
4 seal which shall be kept in such custody as the Institute may from time to
5 time authorize;

Powers of the
Institute

6 (b) The Institute may sue and be sued in its corporate name and may
7 hold, acquire and dispose of any property movable or immovable;

8 (c) The Institute may with the approval of its supervising
9 Ministry/Board enter into association/agreement with the competent
10 authorities of any university or other institution of higher learning or
11 recognized international institutions for the purpose of promoting or
12 furthering mutual co-operation in the field of scientific research in respect of
13 which the Board has responsibility under this Order;

14 (d) The Institute may, at the written request of any government
15 agency, local government authority or private body, and if the institute have
16 resources to meet such request, train laboratory, extension and other
17 categories or descriptions of workers relative to their specified fields of
18 research for such government agency, local government, authority or
19 private body;

20 (e) Without prejudice to the specified research function of the
21 Institute, the Institute shall produce improved seedlings and other planting
22 materials primarily for their research and experimental programmes but
23 may, for the purpose of advancing or disseminating the results of their
24 researches, make available for distribution to farmers the improved
25 seedlings and planting materials;

26 (f) The Institute shall, when so requested by any government in the
27 Federation, government agency, local government authority or any
28 authorized body, provide information or give advice relating to their
29 specified fields of research to such government, government agency, local
30 government authority or authorized body.

Governing Board
of the Institute

1 3. -(1) There shall be for the Institute, a governing body (herein
2 referred to as the Board) which shall be charged with the administration of
3 government policies.

Membership of
the Board

4 (2) The Board shall be appointed by the President/Representative and
5 shall consist of the following members:

6 (a) a Chairman;

7 (b) the Director-General of the Institute;

8 (c) a Representative of the supervising Ministry charged with the
9 supervision of forestry matters;

10 (d) three persons knowledgeable in Forestry and related disciplines
11 evenly distributed among the geographical zones of the Federation elected by
12 the Institute at its Annual Farming Systems Meeting;

13 (e) the Director General of the Institute shall be the Secretary to the
14 Board;

15 (f) without prejudice to the foregoing provisions, the minister may
16 appoint any person to act as acting Chairman or member of the board of the
17 Institute during the long absence or temporary incapacity by illness or other
18 cause of the Chairman or a member and a person so appointed shall, while the
19 appointment subsists, have the same powers as are exercisable by the
20 Chairman or member;

21 (g) any member of the Board may resign his appointment by a letter
22 addressed to the Minister, and if accepted, the resignation shall take effect from
23 the date the minister receives the letter of resignation.

Tenure of Office

24 (3) Members of the Board shall unless otherwise provided hold office
25 for a term of three years and may be eligible for the appointment for another
26 three years and no more.

Powers of the
Governing
Board

27 4. The Governing Board shall have the powers to:

28 (a) perform all functions conferred on the Institute by this Bill;

29 (b) formulate policies for the Institute;

30 (c) make rules to govern the procedures of its meetings.

- 1 5. -(1) There shall be a Director-General of the Institute who shall
2 be appointed by the president on the recommendation of the Minister. The Director-
General of the
Institute
- 3 (2) The Director-General shall be:
- 4 (a) a Research Professor/Director with vast experience in Forestry
5 related disciplines;
- 6 (b) charged with the day to day management of the affairs of the
7 Institute in accordance with such instructions as may from time to time be
8 given to him by the Minister through the Governing Board of the Institute;
- 9 (c) the Accounting Officer of the Institute;
- 10 (3) The Director-General of the Institute shall hold office for a Tenure of office
of the Director-
General
11 period of four years in the first instance and may be re-appointed for a further
12 period of four years and no more on such terms and conditions as are
13 contained in his letter of employment.
- 14 (4) The Board may appoint such other persons as employees of the Staff of the
Institute
15 Institute either by way of transfer or secondment from any of the public
16 services or any University in the Federation or otherwise, howsoever as it
17 considers necessary.
- 18 (5) The Institute shall operate Research Professorial Cadre system
19 for Researchers/Lecturers and Directorate cadre system for support services
20 staff.
- 21 (6) The remuneration, conditions of service, and tenure of office of Remuneration
22 the employees of the Institute shall be determined by the National Income,
23 Salaries and Wages Commission and the Federal Civil Service Commission.
- 24 6. -(1) There shall be a Provost, for the Colleges of the Institute who The Provost
25 shall be appointed by the Minister on the recommendation of the Governing
26 Board.
- 27 (2) The Provost shall be:
- 28 (a) a Ph.D. holder and must possess a minimum experience as a
29 Senior Lecturer in the field of forestry related disciplines;
- 30 (b) charged with the day to day management of the Colleges in

1 accordance with such instructions as may from time to time be given to him by
2 the Governing Board and/or the Director General of the institute:

3 (i) design research programmes, the formulation and implementation
4 of research proposals relevant to the Institute;

5 (ii) coordination of Training programmes/research and provisions of
6 intellectual leadership;

7 (iii) collation and interpretation of research data and the preparation
8 of scientific reports;

9 (iv) preparation of annual and quarterly reports in respect of his
10 college;

11 (v) responsibility for college development programmes and planning.

12 (3) Provost shall hold office for a non-renewable period of 5 years.

13 (4) the governing board shall also recommend the removal of the
14 Provost to the Minister if found incompetent.

15 PART 2 - PROFESSIONAL DISCIPLINE

Professional
Discipline

16 7. Every Staff shall acquaint him/herself with the disciplinary
17 procedure as entrenched in the Public Service Rules, and any other regulations
18 as may be made by the Board from time to time.

Penalties for
unprofessional
conduct

19 8. Where:

20 (a) a Staff is judged to be guilty of infamous conduct in any
21 professional respect;

22 (b) a Staff is found to have contravened provisions of extant Public
23 Service Rules; or

24 (c) a Staff that contravene directives issued in government circulars
25 from the supervising Ministry, Federal Civil Service Commission, Office of
26 the Secretary to the Government of the Federation, Office of the Head of
27 Service and other Federal Government offices with authority to issue circulars
28 and directives, shall be subjected to disciplinary measures in consonance with
29 the regulations contained therein.

1 PART 3 - MISCELLANEOUS AND GENERAL PROVISIONS

2 9. The Institute shall:

3 (a) provide and maintain a library comprising of books and
4 publications for the advancement of knowledge of Forestry, and such other
5 books and publications as the Board may think necessary for the purpose;Provision of
library6 (b) encourage research into Forestry and allied subjects to the
7 extent that the Board may, from time to time, consider necessary.

Research

8 10. -(1) The Minister shall have powers to make rules and
9 regulations under this Bill.Rules and
Regulations10 (2) Regulations made under this Bill shall be published in the
11 Federal Gazette as soon as they are made.12 (3) Rules made for the purposes of this Bill (other than Rules made
13 by the Minister) shall be subject to confirmation by the Institute at its next
14 Annual Farming Systems meeting or at any special meeting of the Institute
15 convened for the purpose, and if not confirmed shall cease to have effect on
16 the day after the date of the confirmation but without prejudice to anything
17 done in pursuance or intended pursuance of any such rules.18 11.-(1) If any Staff for the purpose of procuring the registration of
19 any name, qualification or other matter:

Offences

20 (a) makes a statement which he believes to be false in a particular
21 matter; or22 (b) recklessly makes a statement which is false in a particular
23 matter, shall be guilty of an offence.24 (2) If a member or any other person employed by or on behalf of the
25 Institute willfully makes any falsification on any matter, he/she shall be
26 guilty of an offence.27 (3) any Staff found guilty of an offence under this section shall, after
28 being found guilty by properly constituted Disciplinary Committee, be
29 subjected to relevant punishment stipulated under the Public Service Rule
30 (Discipline);

Funds of the
Institute

1 **12.** -(1) The Institute shall maintain a fund which shall be applied
2 towards the carrying out of its functions.

3 (2) The Institute shall generate internal revenue, which shall be shared
4 at the ratio of 75% -25% for the Institute and Government respectively. The
5 75% share for the Institute shall be expended on areas that would promote the
6 Institute's mandates.

7 (3) There shall be paid and credited into the fund established pursuant
8 to sub-section (I) of this section:

9 (i) all fees and other monies payable to the Institute in pursuance of
10 this Bill;

11 (ii) all grants, aids, loans and solicited funds received for the Institute;

12 (iii) proceeds from programmes/activities;

13 (iv) money borrowed from time to time for the purpose of executing
14 programmes of the Institute;

15 (v) proceeds from any investment in securities created or issued by or
16 on behalf of the Government of the Federation or any other securities in Nigeria
17 approved by the Board.

18 (4) There shall be paid out of the fund:

19 (a) all expenditure incurred by the Institute in the discharge of its
20 functions under the Bill;

21 (b) any interest payable on monies borrowed for the activities of the
22 Institute;

23 (c) such reasonable travelling and subsistence allowances of the
24 Board, Director General and Staff members in respect of time spent on the
25 duties of the Institute as may be determined by Board/guidelines.

26 (5) The Board/Management shall ensure that proper records of
27 income and expenditure of the Institute are kept in respect of each year and
28 accounts audited by registered external auditors shall be submitted to the
29 Auditor General of the Federation each year.

1 13.-(1) The Institute shall maintain Bank Account(s) in its name in
2 banks approved by the Board.

Bank Accounts
of the Institute

3 (2) Any funds of the Institute in excess of an imprest to be
4 determined by the Board shall be lodged into the Institute's account.

5 14. -(1) The Forestry Research Institute of Nigeria Act, 1973 is
6 repealed.

Repeal, Savings
and transitional
provisions

7 (2) any Statutory functions, right, liability, interest and obligation
8 existing i. the Forestry Research Institute of Nigeria before the
9 commencement of this Bill shall by virtue of this Bill be deemed to have
10 been assigned and vested in the Institute after the commencement of this
11 Bill.

12 (3) all assets, funds, resources and other property which before the
13 commencement of this Bill were vested in the Institute shall by virtue of this
14 Bill be deemed to have been assigned and vested in the Institute after the
15 commencement of this Bill.

16 15. The seal of the Institute shall not be affixed on any instrument
17 except with the authority of the Director General.

Seal of the
Institute

18 16. In this Bill:

Interpretation

19 "Board" or "Board under this Bill" means the Board established as the
20 governing body of the Institute under the section 3 of this Bill;

21 "Director General" means the Director General appointed pursuant to
22 section 5 of this Act;

23 "Institute" means the Forestry Research Institute of Nigeria established
24 under this Bill;

25 "Colleges" means the Federal Colleges of the Institute under this Bill;

26 "Member" means Member of the Institute;

27 "Minister" means the Minister charged with the responsibility of handling
28 forestry matters;

29 "Supervising Ministry" means the Ministry charged with the responsibility
30 of handling Forestry matters.

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Committees

4. -(i) The Institute may appoint one or more standing or Ad-Hoc Committees to carry out on its behalf such of its functions as it may determine;

(ii) A Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Institute; and a person other than a member of the Institute shall hold office on the Committee in accordance with the terms of his appointment;

(iii) A decision of a Committee of the Institute shall be of no effect until it is confirmed by the Institute.

(a) Meetings of the Institute:

5. The Board shall convene the Annual Farming Systems meeting of the Institute every year or on such other date as the Board may from time to time appoint, so however that if the meeting is not held within one year after the previous annual meeting, not more than fifteen months shall elapse between the respective dates of the two meetings.

(b) Meetings of the Board:

6. -(i) The Board shall meet not less than twice in any financial year, and subject to the provisions of any standing orders of the Board, it shall meet at other times as it is summoned by the Chairman; and if the Chairman is required to do so by notice in writing given to him by not less than four other members, he shall summon a meeting of the Board to be held within seven days from the date on which notice is given;

(ii) At any meeting of the Board, the Chairman shall preside but in his absence, the members present at the meeting shall appoint one of their numbers to preside at that meeting;

(iii) where the Board decides to obtain advice of any person on a particular matter, the Board may co-opt him as a member for such period as the Board thinks fit but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall

1 not count towards a quorum;

2 (iv) Notwithstanding anything in the foregoing provisions of this
3 paragraph, the first meeting of the Board shall be convened by the Minister,
4 who may give such directions as deem fit as to the procedure which shall be
5 followed by the Board.

6 *Miscellaneous*

7 7. The fixing of the seal of the Institute shall be authenticated by:

8 (i) The Director General of the Institute or officer authorized by the
9 Institute to act in his place for this purpose;

10 (ii) Any contract or instrument which, if made or executed by a person
11 not being a body corporate would not be required to be under seal may be made
12 or executed on behalf of the Institute or of the Board as the case may require, by
13 any person generally or specially authorised to Act for that purpose by the
14 Board;

15 (iii) Any document purporting to be a document duly executed under
16 the seal of the Institute shall be received in evidence and shall, unless the
17 contrary is proved, be deemed to be so executed.

18 8. The validity of any proceedings of the Institute or of the Board or of
19 a Committee of the Board shall not be affected by any vacancy in membership,
20 or by any defect in the appointment of a member of the Institute or of the Board
21 or of a person to serve on the Committee, or by reason that a person not so
22 entitled to do so took part in the proceedings.

23 9. Any members of the Institute or of the Board, and any person
24 holding office on a Committee of the Board, who has a personal interest in any
25 contract or arrangement being entered into or proposed to be considered by the
26 Board or any committee thereof, shall forthwith declare and disclose his
27 interest in such contract or arrangement to the Board/Management and shall be
28 disqualified to vote on any question relating to such contract or arrangement.

EXPLANATORY NOTE

This Bill seeks to Repeal the Forestry Research Institute of Nigeria, Act, 1973 and Re-Enact the Forestry Research Institute of Nigeria, Bill, 2015 to enhance and re-focus the Institute to deliver on its mandate.

