

1 zones; and

2 (d) the Director- General.

3 (3) Chairman and Members, other than ex -officio shall be appointed
4 by the President on the recommendation of the Minister.

5 (4) The appointment of a Member shall not invalidate any decision by
6 reason of a defect or irregularity in his appointment.

7 (5) The supplementary provisions set out in the schedule to this Bill
8 shall have effect with respect to the proceedings of the Board and other matters
9 contained therein.

Qualifications
of members

10 3.-(1) The Chairman and members shall hold the following
11 qualifications:

12 (a) cognate experience and proven capacity in agricultural policy
13 formulation and implementation;

14 (b) finance and economics as it relates to agriculture, administration
15 or organization of the affairs of any department of the Ministry and Water
16 Resources;

17 (c) persons of proven integrity, ability and vast knowledge and
18 experience in their respective endeavours.

Tenure of office

19 4. Subject to the provisions of section 5 of this Bill, a member other
20 than ex-officio shall hold office-

21 (a) for a term of four years and no more; and

22 (b) on any other terms and conditions as may be specified in the letter
23 of appointment.

Cessation of
membership

24 5.-(1) A person shall cease to hold office as a member if-

25 (a) he is adjudged or declared bankrupt under any law in Nigeria or
26 other country;

27 (b) he is guilty of a serious misconduct in relation to his duties;

28 (c) he is convicted by a court of law of a felony or any offence
29 involving dishonesty or frauds;

30 (d) he becomes of unsound mind incapable of carrying out his duties;

1 (e) in the case of a qualified professional, he is disqualified or
2 suspended other than that at his own request, from practising his profession
3 in any part of the world by an order of a competent authority made in respect
4 of that matters;

5 (f) he resigns his appointment by a letter addressed to the President
6 through the Minister; or

7 (g) he, without the permission of the Board is absent for more than
8 three consecutive meetings of the Board or without such permissions is
9 absent from the country for a period exceeding one year.

10 (2) If a member ceases to hold office for any reason whatsoever,
11 before the expiration of the term for which he is appointed, another person
12 representing the same interest as that
13 member shall be appointed to the Board for his unexpired term.

14 (3) A member may be removed by the President if he is satisfied
15 that it is not in the interest of the Agency or in the interest of the public that
16 the member continues in office.

17 PART II - FUNCTIONS AND POWERS OF THE AGENCY

18 6. The Agency shall-

19 (a) implement the overall National Food Reserve Policy to ensure
20 a reliable supply of designated commodities and meet local shortfalls in
21 supply of designated commodities in the country.

22 (b) reduce post harvest losses by construction and management of
23 silos, warehouses and other suitable storage facilities to be installed at such
24 places and ensure the maintenance, availability and functionality of all
25 plants, equipment and ancillary facilities within the country that are, in the
26 opinion of the Minister, strategic and suitable for such storage;

27 (c) facilitate and provide guidelines for the establishment and
28 maintenance of buffer stock by all States of the Federation including the
29 Capital Territory in order to ensure price stabilization and food security and
30 correct problems relating to the supply of designated commodities;

Functions of the
Agency

1 (d) meet such other food emergencies caused by drought or flood, or
2 by such other natural disaster, as may be declared by the President;

3 (e) promote and ensure compliance to standards and grades of
4 agricultural produce so as to encourage uniformity in quality of produce, in
5 association with the relevant agencies and as provided for in Weight and
6 Measures Act and Standards Act;

7 (f) facilitate the establishment of a National Agricultural Market
8 Information System for each designated commodity operated by the Agency
9 for the benefit of the consumer and any person engaged in the production,
10 marketing and processing of that commodity;

11 (g) to perform fertilizer regulatory and quality assurance functions as
12 well as develop strategy to enable the private sector take full responsibility for
13 fertilizer procurement and distribution to farmers;

14 (h) build capacity of farmer groups and cooperatives to improve
15 access to agriculture support services and facilitate participation development
16 in each Local Government Area including the Federal Capital Territory;

17 (i) affordable private sector investment in agriculture produce
18 processing through establishment of cottage industries, export conditioning
19 centres and agro-industrial parks;

20 (j) ensure affordable mechanization services to Nigerian farmers
21 through improved Public Private Partnerships in the provision of tractor and
22 farm machinery services;

23 (k) collaborate with national and international agencies to promote
24 agricultural development programmes and coordinate donor-support
25 agricultural development programmes and projects implementation in the 36
26 States of the Federation and the Federal Capital Territory; using the existing
27 extension delivery outfits.

28 (l) enhance agriculture extension delivery service through the
29 training of unemployed graduates as Advisory Service Providers and train
30 unemployed youths in all areas of agriculture to enable them become self

1 employed; and

2 (m) promote commercialization of agricultural production
3 systems through Public-Private Partnerships and facilitate the provision of
4 enabling environment for sustainable commercial agricultural
5 development.

6 7.-(1) The Board shall have power to-

Powers of the
Board

7 (a) manage and superintend the affair of the Agency and subject to
8 the provisions of this Bill, make, alter and revoke rules and regulations for
9 carrying on the functions of the Agency;

10 (b) fix the terms and conditions for service including remuneration
11 of the employees of the Agency in consultation of the relevant Agencies;

12 (c) establish such number of committees as it deems necessary for
13 the efficient performance of the Agency; and

14 (d) do such other thing which in the opinion of the Agency are
15 necessary to ensure the efficient performance of the functions of the
16 Agency.

17 (2) Notwithstanding anything contrary in this Bill, the Minister
18 shall exercise all the powers of the Board where-

19 (a) the Board has not been constituted;

20 (b) the Board has been dissolved.

21 (3) Any action taken or decision reached in compliance with the
22 provisions of subsection 2 of this section shall be valid;

23 8. The President may after consultations with the Minister give to
24 the Board such directives of a general nature with respect to the performance
25 of any function of the Agency.

General Directives

26 PART III- ESTABLISHMENT OF ZONAL OFFICES

27 9.-(1) There shall be established in each zone as demarcated by the
28 Minister an office (in this referred to as "Zonal Office").

Establishment of
zonal offices

29 (2) The Zonal office shall-

30 (a) be headed by a Deputy-Director who shall be responsible for

- 1 implementing the Agency's programmes in its area of operation;
- 2 (b) produce quarterly reports which shall be sent to the office of the
- 3 Director-General;
- 4 (c) be accountable to the Agency for all the funds accruing to it for
- 5 purposes of discharging its function under this Bill; and
- 6 (d) perform other duties as may be assigned by the Director.

7 (3) The Secretary may delegate in writing to any employee his powers

8 or functions under this Bill, as he may deem appropriate, but the delegation

9 under this section, shall not prevent the exercise by the Secretary of the power

10 so delegated.

11 Part IV - Appointment Of Director-general And Other Staff

Appointment,
qualification and
tenure of office
of Director-General

12 10.-(1) There shall be appointment for the Agency a Director-General

13 who shall be responsible for the management of the Agency and its day to day

14 administration.

15 (2) The Director- General shall be appointed by the President on the

16 recommendation of the Minister.

17 (3) The Director-General shall be-

- 18 (a) the Chief Executive and Accounting Officer of the Agency; and
- 19 (b) perform such other functions as the Board may from time to time
- 20 direct.

21 (4) The Director-General shall hold office for a term of five years and

22 no more.

23 (5) If for any reason the Director-General is unable to perform his

24 functions or carry out his duties, or there exist a vacancy in the office of the

25 Director-General, the Board may designate an employee of the Agency who is

26 next in rank to the Director-General to act as the Director-General during the

27 period of his inability or vacancy until a Director-General is appointed in

28 accordance with the provisions of this Bill and the employee shall while so

29 acting, have all the powers and performs all the functions of the Director-

30 General.

1 shall be defrayed all expenditure incurred by the Agency.

2 (2) There shall be paid and credited to the fund pursuant to subsection
3 (1) of this section-

4 (a) any appropriation to the Agency by the National Assembly;

5 (b) such monies as may, from time to time be granted or lent to the
6 Agency by the Federal Government or a State Government or a Local
7 Government Council;

8 (c) such monies as may, from time to time, be granted or received
9 from-

10 (i) the organized private sector;

11 (ii) international or donor organizations and non- governmental
12 organizations;

13 (iii) all monies raised for the purposes of the Agency by way of gift,
14 loan, grant-in-aid, testamentary disposition or otherwise; and

15 (iv) all other monies and assets that may, from time to time accrue, to
16 the Agency.

17 (d) whole or part of the Natural Resources Development Fund as may
18 be approved from time to time by the President.

Expenditure of
the Agency

19 16. The Agency shall from time to time, apply the proceeds of the fund
20 established pursuant to section 17 of this Bill-

21 (a) to the cost of administration of the Agency;

22 (b) for reimbursing members of the Board or any committee set up by
23 the Board for such expenses as may be authorized by the Board in accordance
24 with the rates approved by the Federal Government;

25 (c) for the payment of salaries, fees or other remuneration or
26 allowances, pensions and other retirement benefits, payable to the employees
27 of the Agency;

28 (d) for the maintenance of any property acquired or vested in the
29 Agency; and

30 (e) for and in connection with all or any of the functions of Agency

1	under this Bill.	
2	17.-(1) The Board shall, not later than 30th September of each year,	Annual estimates and expenditure
3	submit to the Minister an estimate of the expenditure and income of the	
4	Agency for the succeeding year.	
5	(2) The Agency shall keep proper account in respect of each	
6	financial year and shall cause the accounts to be audited not later than 6	
7	months after the end of each financial year by Auditors appointed from the	
8	list and in accordance with the guidelines supplied by the Auditor-General	
9	of the Federation	
10	18. The Agency shall submit to the Minister not later than 30th	Annual report
11	June each year, a report in such form as the Minister may direct on the	
12	activities of the Agency during the immediate preceding year, and shall	
13	include in the report a copy of the audited account of the Agency for that	
14	financial year and the Auditors' report thereon.	
15	19. The Agency may with the consent of the Minister, borrow on	Power to borrow
16	such terms and conditions as the Agency may determine such money	
17	required for the carrying out of its functions.	
18	20.-(1) The Agency may accept any gift, grant or donation from	Gift to the Agency
19	any person such terms and conditions specified by the person making the	
20	gift, grant or donation.	
21	(2) The Agency shall not accept any gift, grant under subsection (1)	
22	of this section if the conditions attached thereto are inconsistent with the	
23	functions of the Agency under this Bill.	
24	21.-(1) The Agency shall establish a Guarantee Reserve Fund into	Guarantee Reserve Fund
25	which shall be paid from time to time such sum as will maintain the credit	
26	balance of such fund at an amount not less than one quarter of the total of the	
27	money which the Agency is liable for the time being to be called upon to pay	
28	under guarantee given by the Minister.	
29	(2) Subject to the provision of subsection (3), the money in the	
30	Guarantee Reserve Fund shall be applied solely to meet the obligations	

1 incurred by the Agency under any guarantee.

2 (3) Nothing in subsection (2) shall prevent the Agency from
3 transferring from the Guarantee Reserve Fund to any of its accounts the sum by
4 which the credit from time to time maintained under subsection (1).

General Reserve
Fund

5 22.-(1) In addition to the Guarantee Reserve Fund, the Agency shall
6 establish and maintain General Reserve Fund and shall, subject to any
7 directions given by the Minister under subsection (3), pay into such fund any
8 net profit earned by the Agency.

9 (2) The Guarantee Reserve Fund shall be applied to indemnify any
10 loss or deficiency which may occur in any transaction of the Agency, other than
11 those for which the Guarantee Reserve Fund is available.

12 (3) The Minister with the concurrence of the Auditor-General of the
13 Federation, may give direction to the Agency as to the balance to be maintained
14 in the General Reserve Fund and where such directions are given, the Agency
15 shall not be required to pay any of its net profits into the fund whereby the
16 balance thereof would exceed the amount directed by the Minister with the
17 concurrence of the Auditor-General.

Power to invest

18 23. Money of the Agency not immediately required for the purposes
19 of the Agency may be invested provided that such investment and returns
20 therefrom are communicated to the Accountant -General of the Federation.

Execution of
documents

21 24. All deeds, instruments contracts and other documents shall be
22 duly executed by or on behalf of the Agency if-

23 (a) appended with the seal of the Agency and signed by two members
24 of the Board thereof;

25 (b) executed in that behalf by one member of the Board and a member
26 of the Agency both of whom have been appointed by the Board for the purpose.

Purchase of
food items

27 25. The Agency shall purchase food items either through open
28 bidding, commodity exchange or contract growers, however where the Board
29 so directs, the Agency shall purchase food items through guaranteed minimum
30 price scheme.

1 **26.-(1) The Agency shall release food stock under commercial**
2 **purpose or Government intervention.**

Release of food
stock

3 **(2) Release under commercial purposes shall be conducted**
4 **through an open competitive bidding process and or Abuja Securities and**
5 **Commodity Exchange.**

6 **(3) Release under Government intervention shall be at the price**
7 **determined by the Government, however, the Government shall reimburse**
8 **the Agency at a price not less than the cost of stocking.**

9 **27.-(1) Any person who knowingly misrepresent the grade or**
10 **quality of designated commodity contrary to established standard shall be**
11 **guilty of an offence and shall be liable upon conviction to a fine of not less**
12 **than N100,000:00 as well as the forfeiture of the commodity.**

Penalties

13 **(2) Any person who fails to pay the fine imposed under subsection**
14 **(1) of this section within two weeks shall in addition to that penalty be**
15 **prohibited from participating in the marketing or processing of any**
16 **designated commodity for a period not exceeding three years.**

17 **28.-(1) No suit shall lie or be instituted in any court against the**
18 **Agency or any member of the staff of the Agency-**

Time within
which to seue

19 **(a) for any act done in pursuant or execution of any enactment or**
20 **law or of any public duties of the Agency; or**

21 **(b) in respect of alleged neglect or default in the execution of any**
22 **enactment or law, duties or authority, unless it is commenced within three**
23 **months next after the act, neglect or default complained of and in the case of**
24 **a continuance of damage or injury, within twelve months next after**
25 **cessation.**

26 **(2) Without prejudice to Constitution-**

27 **(a) no suit shall be commenced against the Agency before the**
28 **expiration of a period of one month after written notice of intention to**
29 **commence the suit shall have been served upon the Agency by the intending**
30 **plaintiff or his Agent;**

	1	(b) the notice shall clearly and explicitly state the cause of action, the
	2	particulars of the claim, the name and place of abode of the intending plaintiff
	3	and the relief which he claims.
Service document	4	29. The notice referred to in section 28 (2) of this Bill and any
	5	summons, notice or other documents required or authorized to be served upon
	6	the Agency shall be served by delivering same to the Director-General of the
	7	Agency, or sending it by registered post, addressed to the Director-General at
	8	the headquarters of the Agency.
Power to prosecute	9	30. The Agency may, with the consent of the Attorney-General of the
	10	Federation institute legal proceedings against any person or corporate
	11	organization that contravenes the provision of this Bill.
Declaration of national food emergency	12	31. -(1) The President may declare a National Food Emergency, if in
	13	his opinion, there is a major shortfall in the domestic production or availability
	14	of designated food items.
	15	(2) Whenever the President declares a National Food Emergency
	16	under subsection (1), the powers of the Board under this Bill shall vest in the
	17	Minister.
	18	(3) The Minister shall exercise the powers of the Board, during the
	19	existence of the National Food Emergency and for not more than thirty days
	20	after the end of emergency as declared by the President.
	21	(4) When the Minister exercises the power referred to in subsection
	22	(2) of this Bill, the Board shall act as the Advisory Committee to the Minister.
Power to make Regulations	23	32. The Minister will make regulations generally for the purpose of
	24	giving full effect to this Bill.
Interpretation	25	33. In this Bill, unless the context otherwise requires:
	26	"Agency" means the Agency established by section 1 of this Bill;
	27	"Board" means the governing Board of the Agency;
	28	"Chairman" means the chairman of the Board;
	29	"Constitution" means Constitution of the Federal Republic of Nigeria, 1999;
	30	"Director-General" means the Director-General appointed for the Agency

1 under paragraph (e) subsection (2) of section 2 of this Bill;
 2 "Function" includes powers and duties;
 3 "Minister" means the Minister charged with the responsibility for matters
 4 relating to Agriculture and Water Resources;
 5 "Member of the Board" includes the Chairman;
 6 "President" means President of the Federal Republic of Nigeria.

7 **34. This Bill may be cited as the National Food Reserve Agency** Short Title
 8 **(Establishment, etc.) Bill, 2016.**

SCHEDULE

Section 2(6)

Proceedings of the Board

12 **1.-(1) Subject to this Bill and section 27 of the Interpretation Act,**
 13 **the Board may make standing regulation for its proceedings or those of any**
 14 **of its committees.**

15 **2. At any meeting of the Board-**
 16 **(a) a six members shall form a quorum, but in determining whether**
 17 **a quorum has been constituted the presence of any person invited to offer**
 18 **opinion or tender documents shall not be considered;**

19 **(b) the Chairman of the Board or in his absence, the member**
 20 **elected by the members present to act as Chairman, shall preside;**

21 **(c) all questions shall be decided by a majority of votes of members**
 22 **present and voting by any person invited to attend any meeting of the Board**
 23 **by virtue of paragraph (c) subsection (1) of section 24 of this Bill shall not be**
 24 **entitled to vote in such meeting; and**

25 **(d) the Chairman of the Board or other member of the Board**
 26 **presiding has a deliberative vote and in the event of equality of votes, also**
 27 **has casting vote.**

28 **3. The Board may, if it thinks fit, transact any business by the**
 29 **circulation of papers, and resolution in writing, approved in writing by a**
 30 **majority of the members thereof shall be valid and effectual as if it had been**

1 passed at a meeting of the Board by the votes of the members so approving the
2 resolution.

3 (4) Where the Board desires to obtain the advice of any person on a
4 particular matter, the Board may co-opt him to the Board for such a period as it
5 deems fit, but a person who is in attendance by this subparagraph shall not be
6 entitled to vote at any meeting of the Board and shall not count in determining
7 quorum.

8 *Committees*

9 2.-(1) The Board may appoint one or more committee to carry out on
10 behalf of the Board, such functions as the Board may determine.

11 (2) A committee constituted under this paragraph shall consist of such
12 number of such persons as may be determined by the Board and a person shall
13 hold office on the committee in accordance with the terms of his appointment.

14 (3) A decision of the committee of the Board shall be of no effect until
15 it is confirmed by the Board.

16 *Conflict of Interest*

17 3.-(1) If any member of the Board has any beneficial interest in any
18 land or building situated in an area comprised in any project of the Agency, or
19 has beneficial interest in any company or undertaking with which the Agency
20 proposes to make any contract, or has an interest in any such contract, he shall
21 forthwith disclose to the Board the fact and the nature of such interest, and such
22 disclosure shall be recorded in the minutes of the Board, and thereafter such
23 member shall take no further part in any deliberations or decision of the Board
24 relating to such project or contract.

25 (2) Any member disclosing any interest in any project or company or
26 undertaking in which the Agency proposes to make any contract shall be
27 disregarded for the purposes of constituting a quorum of the Board for any such
28 deliberation or decision.

29 (3) For the purposes of subsection (1) of this section, a general notice
30 given at a meeting of the Board by a member to the effect that he is a member of

1 the specified company or firm and is to be regarded as interested in any
2 transaction or project of the Agency, concerning the company or firm, shall
3 be regarded as a sufficient disclosure of his interest in relation to that
4 transaction or project.

5 **4.** A member of the Board need not attend in person at a meeting
6 of the Board in order to make any disclosure which he is required to make
7 under this section, if he takes reasonable steps to secure that the disclosure is
8 made by notice which is brought up and read at the meeting.

EXPLANATORY NOTE

This Bill seeks to establish the "National Food Reserve Agency" for the purposes of facilitating Food Production, Processing, Storage and Marketing of food grains and other food commodities for strategic purposes.