

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL FARM SETTLEMENT AND YOUTH
EMPOWERMENT AGENCY; AND FOR RELATED MATTERS

Sponsored by Hon. Henry Okon Archibong

[] Commencement

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

PART I

Establishment of the National Farm Settlement and Youth

Empowerment Agency

1.-(1) There is established an agency to be known as the National
Farm Settlement and Youth Empowerment Agency (in this Act referred to as
"the Agency").

Establishment of
the National Farm
Settlement and
Youth Empowerment
Agency

(2) The Agency:

(a) shall be a body corporate with perpetual succession and a
common seal; and

(b) may sue or be sued in its corporate name.

(3) The Agency Headquarters shall be located in the Federal
Capital Territory, Abuja.

(4) The Agency shall maintain subsidiary offices in each of the 36
States of the Federation, which shall coordinate and establish farm
settlements in each of those states for production of food, cash crops, and for
the employment and empowerment of Nigerian youths.

2. -(1) to bring about development in rural communities;

(2) to establish farm settlements that will be build the capacity of
young, educated and uneducated farmers in Nigeria;

Objectives of
the Agency

(3) to create sustainable growth that will reduce the rate

- 1 unemployment of youths in Nigeria;
- Establishment
and Membership
of the Governing
Board
- 2 3.-(1) There shall be established for the Agency, a Governing Board
3 (herein referred to as “the Board”), consisting of a Chairman and six other part-
4 time members.
- 5 (2) The appointment of the Chairman and part-time members shall be
6 drawn from the six geopolitical zones.
- 7 (3) The following are ex-officio members of the Board:
- 8 (a) (i) a representative of the Federal Ministry of Agriculture;
- 9 (ii) a representative of the Federal Ministry of Finance;
- 10 (iii) a representative of the Federal Ministry of Commerce;
- 11 (iv) a representative of the Federal Ministry of Youth Development;
- 12 (v) a representative of the Federal Ministry of Women Affairs;
- 13 (vi) a representative from the Marketing Boards;
- 14 (vii) a representative of a University of Agriculture;
- 15 (b) a Managing Director of the Agency.
- 16 (4) The Board shall appoint for the Agency a Secretary who shall:
- 17 (a) be a woman;
- 18 (b) be a Legal Adviser and is so qualified to practice for a period of not
19 less than 10 years;
- 20 (c) keep records and conducts the correspondence of the Agency; and
- 21 (d) perform such other functions as the Board or Managing Director
22 may direct.
- 23 (5) The Chairman and other members of the Board shall:
- 24 (a) be appointed by the President on the recommendation of the
25 Minister in charge of Agriculture;
- 26 (b) be persons of proven integrity;
- Schedule
- 27 4. The supplementary provisions set out in the schedule to this Act
28 shall have effect with respect to the proceedings of the Board and other matters
29 contained therein.

1 not in the best interest of the Agency or public that he continues to hold such
2 office.

3 (2) Where a vacancy occurs in the membership of the Board, it shall
4 be filled by the appointment of a successor to hold office for the remainder of
5 the term of office of his predecessor, so however, that his successor shall
6 represent the same interest and shall be appointed by the President subject to
7 the recommendation of the Minister in charge of Agriculture.

Emoluments of
Members of the
Board

8 8. There shall be paid to every member of the Board such
9 emoluments, allowances, and benefits, etc. as the Minister, with the approval
10 of the President may, from time to time, approve.

Disclosure of
Interest by a
member of the
Board

11 9.-(1) A member of the Board who is interested in any matter being
12 deliberated by the Board, either directly or indirectly, or is interested in any
13 contract made or proposed to be made by the Agency shall, after the relevant
14 facts have come to his knowledge, disclose the nature of his interest to the
15 Board as soon as possible.

16 (2) Any such disclosure under subsection (1) shall be recorded in the
17 Minutes of Meetings of the Board and members shall:

18 (a) after the disclosure, not take part in any deliberation or decision of
19 the Board; and

20 (b) be excluded for the purpose of constituting a quorum of any
21 meeting of the Board for any deliberation or decision with regards to the
22 subject matter in respect of which his interest is so disclosed.

23 PART II

24 *Functions and Powers of the Agency*

Functions of the
Agency

25 10. The Agency shall:

26 (1) formulate policies and guidelines for the establishment and
27 operation of the farm settlements.

28 (2) acquire assets for and on behalf of the Agency;

29 (3) set up farms and settlements for the youths who shall produce the
30 farm products in the most productive lands in every State of the Federation;

1 (4) provide equipments for farming and processing of the farm
2 products from the farm and set up mechanisms for the storage, preservation
3 and marketing of the products from the farm;

4 (5) serve as a focal point for agricultural mechanization and as
5 resource centre for technical and managerial training of youths in farming;

6 (6) collaborate with Agricultural Research and Mechanization
7 Centres for the purpose of enhancing youth capacity development from time
8 to time;

9 (7) provide necessary infrastructure in these farm settlements such
10 as:

11 (a) electricity;

12 (b) portable water;

13 (c) recreational facilities;

14 (d) security, schools, clinics, or health centres, places of worship,
15 and other such facilities for the comfort of the youths, farmers and other
16 employees of the settlement;

17 (8) facilitate and promote the development product standards and
18 quality assurance for machinery, equipments and commercialization of
19 farm products;

20 (9) mobilize technical assistance from relevant organizations in
21 order to provide and promote strategic linkages;

22 (10) do such other things which in its opinion are necessary or
23 expedient for the proper performance of its functions under this Act.

24 **11. The Agency shall without prejudice to the generality of section**
25 **8 of this Act:**

**Powers of the
Agency**

26 (a) Make rules and regulations, and develop other strategies
27 towards ensuring efficient and effective management of the farm;

28 (b) draw up memorandum of understanding with relevant
29 institutions for the promotion and development of the farm settlement;

- 1 (c) enter into contracts with manufacturers and suppliers of farm
- 2 equipments;
- 3 (d) liaise with external agencies for support and development;
- 4 (e) carry out such other activities as are necessary or expedient for the
- 5 full discharge of its functions specified in this Act.

6 PART III

7 *Staff of the Agency*

8 Appointment of
the Managing
Director

- 8 12.-(1) There shall be for the Agency, a Managing Director who shall:
- 9 (a) be a person of proven integrity and appointed by the President, on
 - 10 the recommendation of the Minister in Charge of Agriculture;
 - 11 (b) hold office subject to the provisions of section 4 of this Act;
 - 12 (c) be the chief executive and accounting officer of the Agency;
 - 13 (d) have such qualifications and experience as are appropriate for a
 - 14 person required to perform the functions of those offices under this Act; and
 - 15 (e) hold office on such terms and conditions as to emoluments,
 - 16 conditions of service as may be specified in his letter of appointment.

17 (2) The Managing Director shall, subject to the direction of the Board

18 be responsible:

- 19 (a) for the day-to-day administration of the Agency;
- 20 (b) for execution of programmes and policies of the Agency;
- 21 (c) for:
 - 22 (i) the administration of the secretariat of the Board;
 - 23 (ii) the general direction and control of all other employees of the
 - 24 Agency.

25 Appointment of
other Staff of the
Agency

- 25 13.-(1) The Board shall:
- 26 (a) focus on providing employment for graduate youths, school
 - 27 leavers, uneducated youths and youths physically strong for farm work;
 - 28 (b) appoint for the Agency, such officers and other employees as it
 - 29 may, from time to time, deem necessary for the purpose of the Agency.
- 30 (2) Notwithstanding the provisions of subsection (1) of this section,

1 the Board shall have power to appoint for the Agency either directly or on
2 secondment from any public service in the Federation, such number of
3 employees as may, in the opinion of the Board be required to assist the
4 Agency in the discharge of any of its functions under this Act;

5 (3) The person so seconded under this secondment may elect to be
6 transferred to the service of the Agency, and any previous service he may
7 have rendered in the public service shall count as service to the Agency for
8 the purpose of any pension subsequently payable by the Agency.

9 (4) The terms and conditions of service of service (including
10 remuneration, allowance benefits and pensions) of officers and employees
11 of the Agency shall be determined by the Board with the approval of the
12 Minister.

13 14.-(1) Service in the Agency shall be approved service for the
14 purpose of the Pensions Act.

Service of the
Agency to be
pensionable

15 (2) The officers and other persons employed in the Agency shall be
16 entitled to pensions, gratuities and other retirement benefits as are enjoyed
17 by persons holding equivalent grades as appropriate.

18 (3) Notwithstanding the provisions of subsections (1) and (2) of
19 this section, nothing shall prevent the appointment of a person to any office
20 on terms which preclude the grant of pension and gratuity in respect to that
21 office.

22 For the purposes of the application of the provisions the Pensions Act, any
23 power exercisable by a Minister or other authority of the Federal
24 Government, other than the power to make regulations under section 23
25 thereof (of the Pensions Act), is hereby vested in and shall be exercisable by
26 the Agency and not by any person or authority.

27 **PART IV**

28 *Financial Provisions*

29 15. For the purpose of this Act, the Agency shall establish and
30 maintain a fund which shall consist of:

Funds for the
Agency

- 1 (a) the take-off grant from the Federal Government;
- 2 (b) annual subvention from the Federal Government as provided for
- 3 in the Appropriation Act;
- 4 (c) loans, grant-in-aid from Federal, Bilateral and Multilateral
- 5 agencies;
- 6 (d) rents, fees and other internally generated revenues from the sales
- 7 of farm produce by the Agency;
- 8 (e) such other monies accruing to the Agency from time to time.

Expenditure

9 **16.** The Agency may from time to time, with the approval of the Board

10 **apply the proceeds of the fund established pursuant to section 15 of this Act:**

- 11 (a) to the cost of administration of the Agency;
- 12 (b) to the payment of salaries, fees or other remuneration or
- 13 **allowances, gratuities and pensions, and other benefits payable to the officers**
- 14 **and other employees on the Agency, so however that, no payment of any kind**
- 15 **under this paragraph shall be made to any person who is in receipt of**
- 16 **emoluments from the Federal or State Government except such as may be**
- 17 **expressly authorized by the Board;**
- 18 (c) to the payment of emoluments, allowances, and benefits of
- 19 **members of the Board and for reimbursing members of the Board or any**
- 20 **committee set up by the Board for such expenses as may be expressly**
- 21 **authorised by the Board;**
- 22 (d) for the payment of all purchases;
- 23 (e) for the development and maintenance of any property vested in or
- 24 **owned by the Agency; and**
- 25 (f) to undertake such other activities as are connected with all or any
- 26 **of the functions of the Agency under this Act.**

**Estimates,
Accounts and
Audits**

27 **17.-(1)** The Agency shall not later than 30 September in each year

28 **submit to the Minister an estimate of its expenditure and income (including**

29 **payments to the Agency fund) for the next succeeding year.**

30 **(2)** The Agency shall cause to be kept proper accounts in respect of

1 each year and proper records in relation thereto, and shall cause such
2 accounts to be audited not later than three months after the end of each year
3 by auditors appointed from the list and in accordance with the guidelines
4 provided by the Auditor-General of the Federation or such other person so
5 appointed to act in that capacity.

6 (3) The Auditor-General of the Federation or such other person
7 acting in that capacity shall:

8 (a) inspect or audit the accounts and records of the financial
9 transactions of the Agency;

10 (b) inspect records relating to the assets of the Agency; and

11 (c) where any irregularity is disclosed by inspection and audit,
12 draw the attention of the Minister.

13 18. The Agency shall, not later than 30 June after the end of each
14 financial year, prepare and submit to the Federal Executive Council, through
15 the Minister, a report in such form as he may direct on the activities of the
16 Agency during the immediate preceding year, and shall include in such
17 report a copy of the audited account of the Agency for that year and Auditor's
18 report on that account.

Annual Reports
of the Agency

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

Gifts to the
Agency

22 (2) The Agency shall not accept any gift if the conditions attached
23 by the person or organization making the gift are inconsistent with the
24 functions of the Agency, the provisions of the Independent Corrupt practices
25 and Allied Offences Act, 2000 and the terms of other existing laws of the
26 Federation.

27 20.-(1) The Agency may, from time to time borrow such sums as it
28 may require for the performance of its functions under this Act.

Power of the
Agency to borrow

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

1 (3) Notwithstanding subsection (1) of this section, where the sum to
2 be borrowed is in foreign currency, the Agency shall not borrow the sum
3 without the approval of the Minister.

Investments

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

8 *[L.F.N. 2004, Cap. T22.]*

Non-Exemption
form Tax

9 **22.**-(1) The Agency shall not be exempted from the payment of
10 income tax on any income accruing from investments made by the on behalf of
11 the Agency, or otherwise howsoever.

12 (2) The provisions of any enactment relating to the taxation of
13 companies on funds shall apply to the Agency.

Office and premises
of the Agency

14 **23.**-(1) For the purposes of providing offices and premises necessary
15 for the performance of its functions under this Act, the Agency may, subject to
16 the Land Use Act:

17 (a) purchase or take on lease any interest in land, or other property;

18 and

19 (b) construct offices and premises, equip and maintain same.

20 (2) The Agency may, subject to the Land Use Act, sell or lease out any
21 office or premises held by it, which office or premises is no longer required for
22 the performance of its functions under this Act.

23 **PART V**

24 *Legal Proceeding*

Limitation of
suit against the
Agency, etc.

25 **24.**-(1) Subject to the provisions of this Act, the provisions of the
26 Public Officers Protection Act shall apply in relation to any suit against any
27 officer or employee of the Agency.

28 *[L.F.N. 2004, Cap. P41]*

29 (2) Without prejudice to anything contained in any other law or
30 enactment, a suit against a member of the Board or Managing Director or any

1 other officer or employee of the Agency for any act done in pursuance or
2 execution of this Act or any other enactment or law, or any public duty or
3 authority in respect of any alleged neglect or default in the execution of this
4 Act, shall lie or be instituted in any court unless it is commenced:

5 (a) within three months next after the act, neglect or default
6 complained of; or

7 (b) within six months next after the ceasing thereof, in the case of
8 continuation of damage or Injury.

9 (3) No suit shall be commenced against a member of the Board or
10 Managing Director or any other officer or employee of the Agency before
11 the expiration of a period of month after written notice of the intention to
12 commencement the suit shall have been served on the Agency by the
13 intending plaintiff or his agent.

14 (4) The notice referred to in subsection (3) of this section shall
15 clearly and explicitly state the cause of action, the particulars of the claim,
16 the name and place of abode of the intending plaintiff and the relief sought.

17 **25.** A notice, summons or other documents required or authorized
18 to be served upon the Agency under the provisions of this Act or any other
19 enactment, or law may be served by delivering it to the Managing Director
20 or by sending it or by registered post addressed to the Managing Director at
21 any of the principal offices of the Agency

Service of
Documents

22 **26.-(1)** In any action or suit against the Agency, no execution or
23 attachment of process in the nature thereof shall be issued against the
24 Agency unless not less than thirty days notice has been given, be paid from
25 the fund of the Agency.

Restriction on
execution against
property of the
Agency

26 (2) Any sum of money which by the judgment of any court of
27 competent authority has been awarded against the Agency shall, subject to
28 any direction given by the court where notice of appeal against the judgment
29 has been given, be paid from the fund of the Agency.

Indemnity of
Officers

1 27. A member of the board or the managing director or any officer or
2 employee of the agency shall be indemnified out of the assets of the Agency
3 against any liability incurred by him in defending any proceeding, whether
4 civil or criminal, in which judgment is given in his favour or in which he is
5 acquitted, if any such proceeding is brought against him in his capacity as a
6 member of the board, the managing director, officer or other employee of the
7 agency.

Secrecy

8 28.-(1) A member of the board or the managing director or any other
9 officer or employee of the agency shall:

10 (a) Not for his personal gain make use of any such information, which
11 has come to his knowledge in the exercise or is obtained by him in the ordinary
12 course of his duty as a member of the board or as managing director, officer or
13 employee of the agency;

14 (b) Treat as confidential any information which has come to his
15 knowledge in the exercise of his powers or is obtained by him in the
16 performance of his duties under this act;

17 (c) Not disclose any information referred to under paragraph (b) of
18 this subsection, except when required to do so by Court or in such other
19 circumstances as may be prescribed by the board, from time to time.

20 (2) Any person who contravenes the provisions of subsection (1) of
21 this section commits an offence and is liable on conviction to a fine of not less
22 than N50,000.00 or imprisonment for a term not exceeding 2 years or both.

Directives by the
Minister, etc

23 29. The Minister may give to the agency or the Managing Director
24 such directives of general nature or relating generally to matters of policy with
25 regard to the exercise of its or his functions as he may consider necessary and it
26 shall be the duty of the agency or the managing director to comply with the
27 directive or cause them to be complied with.

Local Farm
Settlements

28 30. The Agency may establish farm settlements in each of the 774
29 Local government areas of the federation of Nigeria.

1 **31.**-(1) The statutory functions, rights, interest, obligations and Savings and
2 liabilities of the department responsible for farm settlements, if any, before Transitional
3 the commencement of this Act under any contract or instrument by virtue of Provisions
4 this Act shall be deemed to have been assigned and vested in the agency.

5 (2) All assets, funds, resources and any other moveable or
6 immoveable property which immediately before commencement of this act,
7 vested in the department responsible for Federal farm settlements, if any
8 shall be vested in the Agency.

9 (3) Any person who immediately before the coming into force of
10 this Act is the holder of any office in the department responsible for Federal
11 farm settlements, if any, shall continue in office and be deemed to have been
12 appointed to the office by the Agency.

13 **32.** The Board or Agency may with the approval of the Minister, Regulations
14 make such regulations as in its opinion and necessary or expedient for giving
15 full effect to the provisions of this Act and for the due administration of its
16 provisions.

17 **33.** In this Act except the context otherwise requires: Interpretation
18 "Agency" means the National Farm Settlements and Youth Empowerment
19 Agency established by section 1 of this Act;
20 "Board" means the governing board established for the Agency by section 3
21 of this Act;
22 "Farm Settlements" mean the outfit and or unit office or farms established
23 by the Agency in Agricultural lands set up by the Agency in states and Local
24 Government Areas of the Federation for the purpose of producing food and
25 cash crops;
26 "Federal Government" means Government of the Federal Republic of
27 Nigeria;
28 "Federation" means Nigeria;
29 "Function" includes power and duty;
30 "Geopolitical" zones mean the geopolitical units of the Federation;

- 1 "Minister" means the Federal Minister in charge of Agriculture;
- 2 "Ministry" shall be construed accordingly;
- 3 "President" means the President of the Federal republic of Nigeria;
- 4 "Power" includes functions and duty; and
- 5 "Youth" mean young and able-bodied Nigerians.

Citation

- 6 **34.** This Act may be cited as the National Farm Settlements and Youth
- 7 Empowerment Agency (Establishment, etc.) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Farm Settlement and Youth Empowerment Agency.