

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

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

1 PART I - ESTABLISHMENT OF THE NATIONAL FARM SETTLEMENT AND
2 YOUTH EMPOWERMENT AGENCY

3 1.-(1) There is established an agency to be known as the National
4 Farm Settlement and Youth Empowerment Agency (in this Act referred to as
5 "the Agency").

Establishment
of the National
Settlement and
Youth
Empowerment
Agency

6 (2) The Agency-

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

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

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

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

16 2.-(1) to bring about development of rural communities in Nigeria;
17 (2) to establish farm settlements that will build the capacity of

Objectives of the
Agency

18 young, educated and uneducated farmers in Nigeria;

19 (3) to create sustainable growth that will reduce the rate
20 unemployment of youths in Nigeria;

Establishment and Membership of the Governing Board	1	3. -(1) There shall be established for the Agency, a Governing Board
	2	(herein referred to as "the Board"), consisting of a Chairman and six other part-
	3	time members.
	4	(2) The appointment of the Chairman and part-time members shall be
	5	drawn from the six geopolitical zones.
	6	(3) The following are ex-officio members of the Board
	7	(a) (i) a representative of the Federal Ministry of Agriculture;
	8	(ii) a representative of the Federal Ministry of Finance;
	9	(iii) a representative of the Federal Ministry of Commerce;
	10	(iv) a representative of the Federal Ministry of Youth Development;
	11	(v) a representative of the Federal Ministry of Women Affairs;
	12	(vi) a representative from the Marketing Boards;
	13	(vii) a representative of a University of Agriculture;
	14	(b) a Managing Director of the Agency.
	15	(4) The Board shall appoint for the Agency a Secretary who shall-
	16	(a) be a woman;
	17	(b) be a Legal Adviser and is so qualified to practice for a period of not
	18	less than 10 years;
	19	(c) keep records and conducts the correspondence of the Agency; and
	20	(d) perform such other functions as the Board or Managing Director
	21	may direct.
Schedule	22	(5) The Chairman and other members of the Board shall-
	23	(a) be appointed by the President on the recommendation of the
	24	Minister in charge of Agriculture;
	25	(b) be persons of proven integrity;
Tenure of Office	26	4. The supplementary provisions set out in the schedule to this Act
	27	shall have effect with respect to the proceedings of the Board and other matters
	28	contained therein.
	29	<i>[Schedule]</i>
	30	5. -(1) Subject to the provisions of section 5 of this Act, a member of

1 the Board, other than the ex-officio member shall-

2 (a) hold office for a term of four years at the first instance on such
3 terms and conditions as may be specified in their letters of appointment;
4 and

5 (b) may be reappointed for a further term of four years and no
6 more;

7 (2) a member of the Board, other than the ex-officio member may
8 resign his appointment by notice in writing under his hand addressed to the
9 President, which resignation shall take effect only upon receipt of notice by
10 the President.

11 6. The office of the Chairman, Managing Director and Secretary
12 shall-

Rotation of office
of the Chairman,
Managing Director,
And Secretary

13 (1) rotate among the six geopolitical zones;

14 (2) uphold the Principles of Federal Character, as enshrined in the
15 Constitution of the Federal Republic of Nigeria.

16 7.-(1) Notwithstanding the provisions section 4 of this Act, a
17 person shall cease to hold office as a member of the Board if-

Cessation of
membership of
the Board, etc.

18 (a) he becomes bankrupt;

19 (b) he is convicted of a felony or any offence involving dishonesty
20 or fraud;

21 (c) he becomes of unsound mind, or incapable of carrying out his
22 duties;

23 (d) he is guilty of gross misconduct in relation to his duties;

24 (e) in the case of a person possessed of professional qualifications,
25 he is disqualified or suspended, other than at his own request, from
26 practicing his profession in any part of the world by an order of competent
27 authority made in respect of that member;

28 (f) he resigns his appointment by a letter addressed to the President;

29 (g) he is removed by the President having been satisfied that it is

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
members 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 - FUNCTIONS AND POWERS OF THE AGENCY

Functions of
the Agency

24 **10.** The Agency shall-

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

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

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

30 (4) provide equipments for farming and processing of the farm

1 products from the farm and set up mechanisms for the storage, preservation
2 and marketing of the products from the farm;

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

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

8 (7) provide necessary infrastructure in these farm settlements such
9 as-

10 (a) electricity;

11 (b) portable water;

12 (c) recreational facilities;

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

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

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

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

23 11. The Agency shall without prejudice to the generality of section
24 8 of this Act-

Powers of the
Agency

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

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

29 (c) enter into contracts with manufacturers and suppliers of farm
30 equipments;

- 1 (d) liaise with external agencies for support and development;
- 2 (e) carry out such other activities as are necessary or expedient for the
- 3 full discharge of its functions specified in this Act.

4 PART III - STAFF OF THE AGENCY

Appointment
of the Managing
Director

- 5 **12.**-(1) There shall be for the Agency, a Managing Director who shall-
- 6 (a) be a person of proven integrity and appointed by the President, on
- 7 the recommendation of the Minister in Charge of Agriculture;
- 8 (b) hold office subject to the provisions of section 4 of this Act;
- 9 (c) be the chief executive and accounting officer of the Agency;
- 10 (d) have such qualifications and experience as are appropriate for a
- 11 person required to perform the functions of those offices under this Act; and
- 12 (e) hold office on such terms and conditions as to emoluments,
- 13 conditions of service as may be specified in his letter of appointment.
- 14 (2) The Managing Director shall, subject to the direction of the Board
- 15 be responsible-
- 16 (a) for the day-to-day administration of the Agency;
- 17 (b) for execution of programmes and policies of the Agency;
- 18 (c) for-
- 19 (i) the administration of the secretariat of the Board;
- 20 (ii) the general direction and control of all other employees of the
- 21 Agency.

Appointment of
other Staff of
the Agency

- 22 **13.**-(1) The Board shall-
- 23 (a) focus on providing employment for graduate youths, school
- 24 leavers, uneducated youths and youths physically strong for farm work;
- 25 (b) appoint for the Agency, such officers and other employees as it
- 26 may, from time to time, deem necessary for the purpose of the Agency.
- 27 (2) Notwithstanding the provisions of subsection (1) of this section,
- 28 the Board shall have power to appoint for the Agency either directly or on
- 29 secondment from any public service in the Federation, such number of
- 30 employees as may, in the opinion of the Board be required to assist the Agency

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

10 **14.**-(1) Service in the Agency shall be approved service for the
11 purpose of the Pensions Act.

Service of the Agency to be Pensionable

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

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

25 **15.** For the purpose of this Act, the Agency shall establish and
26 maintain a fund which shall consist of-

Funds for the Agency

(b) annual subvention from the Federal Government as provided for in the Appropriation Act;

	1	(c) loans, grant-in-aid from Federal, Bilateral and Multilateral
	2	agencies;
	3	(d) rents, fees and other internally generated revenues from the sales
	4	of farm produce by the Agency;
	5	(e) such other monies accruing to the Agency from time to time.
Expenditure	6	16. The Agency may from time to time, with the approval of the Board
	7	apply the proceeds of the fund established pursuant to section 15 of this Act-
	8	(a) to the cost of administration of the Agency;
	9	(b) to the payment of salaries, fees or other remuneration or
	10	allowances, gratuities and pensions, and other benefits payable to the officers
	11	and other employees on the Agency, so however that, no payment of any kind
	12	under this paragraph shall be made to any person who is in receipt of
	13	emoluments from the Federal or State Government except such as may be
	14	expressly authorized by the Board;
	15	(c) to the payment of emoluments, allowances, and benefits of
	16	members of the Board and for reimbursing members of the Board or any
	17	committee set up by the Board for such expenses as may be expressly
	18	authorised by the Board;
	19	(d) for the payment of all purchases;
	20	(e) for the development and maintenance of any property vested in or
	21	owned by the Agency; and
	22	(f) to undertake such other activities as are connected with all or any
	23	of the functions of the Agency under this Act.
Estimates, Accounts and Audits	24	17.-(1) The Agency shall not later than 30 September in each year
	25	submit to the Minister an estimate of its expenditure and income (including
	26	payments to the Agency fund) for the next succeeding year.
	27	(2) The Agency shall cause to be kept proper accounts in respect of
	28	each year and proper records in relation thereto, and shall cause such accounts
	29	to be audited not later than three months after the end of each year by auditors
	30	appointed from the list and in accordance with the guidelines provided by the

1 Auditor-General of the Federation or such other person so appointed to act
2 in that capacity.

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

5 (a) inspect or audit the accounts and records of the financial
6 transactions of the Agency;

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

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

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

Annual Reports
of the Agency

16 **19.**-(1) The Agency may accept any gift of land, money and other
17 property on such terms and conditions, if any as may be specified by the
18 person or organization making the gift.

Gifts to the
Agency

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

24 **20.**-(1) The Agency may, from time to time borrow such sums as it
25 may require for the performance of its functions under this Act.

Power of the
Agency to borrow

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

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

Investments 1 **21.** The Agency may, subject to the provisions of this Act and the
2 condition of any trust created in respect of any property, invest all or any of its
3 funds in any security prescribed by the Trustee Investments Act or in such other
4 securities as may, from time to time, be approved by the Board.

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

Non-Exemption 6 **22.-(1)** The Agency shall not be exempted from the payment of
form Tax 7 income tax on any income accruing from investments made by the on behalf of
8 the Agency, or otherwise howsoever,

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

Office and 11 **23.-(1)** For the purposes of providing offices and premises necessary
Premises of 12 for the performance of its functions under this Act, the Agency may, subject to
the Agency 13 the Land Use Act-

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

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

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

20 PART V - LEGAL PROCEEDING

Limitations of 21 **24.-(1)** Subject to the provisions of this Act, the provisions of the
Suit against the 22 Public Officers Protection Act shall apply in relation to any suit against any
Agency, etc. 23 officer or employee of the Agency.

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

25 (2) Without prejudice to anything contained in any other law or
26 enactment, a suit against a member of the Board or Managing Director or any
27 other officer or employee of the Agency for any act done in pursuance or
28 execution of this Act or any other enactment or law, or any public duty or
29 authority in respect of any alleged neglect or default in the execution of this
30 Act, shall lie or be instituted in any court unless it is commenced-

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

3 (b) within six months next after the ceasing thereof, in the case of
4 continuation of damage or injury.

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

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

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

Service of
Documents

18 **26.-(1)** In any action or suit against the Agency, no execution or
19 attachment of process in the nature thereof shall be issued against the
20 Agency unless not less than thirty days notice has been given, be paid from
21 the fund of the Agency.

Restriction on
Execution against
property of the
Agency

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

26 **27.** A member of the board or the managing director or any officer
27 or employee of the agency shall be indemnified out of the assets of the
28 Agency against any liability incurred by him in defending any proceeding,
29 whether civil or criminal, in which judgment is given in his favour or in
30 which he is acquitted, if any such proceeding is brought against him in his

Indemnity of
Officers

	1	capacity as a member of the board, the managing director, officer or other
	2	employee of the agency.
Secrecy	3	28. -(1) A member of the board or the managing director or any other
	4	officer or employee of the agency shall-
	5	(a) Not for his personal gain make use of any such information, which
	6	has come to his knowledge in the exercise or is obtained by him in the ordinary
	7	course of his duty as a member of the board or as managing director, officer or
	8	employee of the agency:
	9	(b) Treat as confidential any information which has come to his
	10	knowledge in the exercise of his powers or is obtained by him in the
	11	performance of his duties under this act:
	12	(c) Not disclose any information referred to under paragraph (b) of
	13	this subsection, except when required to do so by Court or in such other
	14	circumstances as may be prescribed by the board, from time to time.
	15	(2) Any person who contravenes the provisions of subsection (1) of
	16	this section commits an offence and is liable on conviction to a fine of not less
	17	than N50,000.00 or imprisonment for a term not exceeding 2 years or both.
Directives by the Minister, etc	18	29. The Minister may give to the agency or the Managing Director
	19	such directives of general nature or relating generally to matters of policy with
	20	regard to the exercise of its or his functions as he may consider necessary and it
	21	shall be the duty of the agency or the managing director to comply with the
	22	directive or cause them to be complied with.
Local Farm Settlements	23	30. The Agency may establish farm settlements in each of the 774
	24	Local government areas of the federation of Nigeria.
Savings and Transitional Provisions	25	31. -(1) The statutory functions, rights, interest, obligations and
	26	liabilities of the department responsible for farm settlements, if any, before the
	27	commencement of this Act under any contract or instrument by virtue of this
	28	Act shall be deemed to have been assigned and vested in the agency.
	29	(2) All assets, funds, resources and any other moveable or
	30	immoveable property which immediately before commencement of this act,

1 vested in the department responsible for Federal farm settlements, if any
2 shall be vested in the Agency.

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

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

11 **33.** In this Act except the context otherwise requires- Interpretation
12 "Agency" means the National Farm Settlements and Youth Empowerment
13 Agency established by section 1 of this Act;
14 "Board" means the governing board established for the Agency by section 3
15 of this Act;
16 "Farm Settlements" mean the outfit and or unit office or farms established
17 by the Agency in Agricultural lands set up by the Agency in states and Local
18 Government Areas of the Federation for the purpose of producing food and
19 cash crops;
20 "Federal Government" means Government of the Federal Republic of
21 Nigeria
22 "Federation" means Nigeria;
23 "Function" includes power and duty;
24 "Geopolitical" zones mean the geopolitical units of the Federation;
25 "Minister" means the Federal Minister in charge of Agriculture;
26 "Ministry" shall be construed accordingly;
27 "President" means the President of the Federal republic of Nigeria;
28 "Power" includes functions and duty; and
29 "Youth" mean young and able-bodied Nigerians.

Citation 1 **34.** This Bill may be cited as the National Farm Settlements and Youth
 2 Empowerment Agency (Establishment, etc.) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to create a mechanized system of farming that will driven by trained youths as a means of creating job opportunities, wealth, commercial and sustainable agricultural system.